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HENRY M. GILL,
Corresponding Secretary,
The Cabildo, New Orleans.

THE LOUISIANA HISTORICAL QUARTERLY

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October, 1929



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HENRY P. DART, 1822 Canal Bank Bldg.,
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THE LOUISIANA HISTORICAL QUARTERLY

Vol. 12, No. 4

October, 1929

A LAWSUIT IN THE COURT OF THE GOVERNOR AT NEW ORLEANS INVOLVING LAND IN OPELOUSAS, 1764

EDITORIAL NOTE

By Henry P. Dart

The record printed herewith is full of historical material and preserves besides the thoughts and actions of many historical characters of the Spanish regime in Louisiana. We have here also one of the few extant grants made by d'Abbadie, the last French Governor of Louisiana, who came here for the sole purpose of delivering the country to its new Spanish rulers. The history of d'Abbadie's short rule cuts a small figure in our older histories and anything is welcome that throws light on his actions while governing Louisiana in the twilight period of French rule.

The record opens with a land grant at Opelousas made by d'Abbadie July 2, 1764. It contains also land grants in the same region made by Governor Unzaga, the successor of O'Reilly in 1771. There also passes in review here a famous character of that period, Fuselier de la Claire, Spanish Commander at the Opelousas, one of those outstanding local figures of the period who richly deserves biographical study. Along with these Governors and Commanders we also find an array of people residents of that section, who took part in the litigation as parties or witnesses.

Aside from these features the record contains the first illustration found so far in our Spanish records of the Possessory Action, enforcing a principle of law deeply embedded in the jurisprudence of Louisiana, namely, that one who is dispossessed of real property is entitled to be restored to that possession and to compel the dispossessor to resort to the courts to establish his title contradictorily with the possessor. These actions are classified by us today as Possessory and Petitory respectively. Our Spanish ancestors gave no names to the pleading but they enforced the principle.

In this case the Spanish Governor (Unzaga) on the advice of his Assessor, Odoardo, a learned Spanish lawyer, acted *ex-parte* on the presentation of a *prima case*, and ordered the original possessor restored to his possession reserving the right to the other party to present his claim of title in due course. This decree was executed by Commander Fuselier de la Claire, notwithstanding his evident displeasure at the turn of events. The heat and acrimony developed in the course of the hearing indicates that this old cause was somewhat famous in its day and the charges and counter charges made in the pleadings show that all parties to the litigation went into the fight without gloves.

We are very glad that time has treated this file kindly and that we are able to preserve it in print for it is well worth study and is a valuable contribution to the legal history of the Spanish era.

TRANSLATED from the original record in the Spanish Louisiana Judicial Records in the Cabildo at New Orleans.

By LAURA L. PORTEOUS

The Year	J(esus) M(ary) J(oseph)	1774
	Joseph Moreau brings suit to be put in possession of his land situated in Ape- loussas.	

No. 3784

Judge, The Governor.

Escribano, Garic.

I

DOCUMENTS FILED WITH THE PETITION

(Note—In Louisiana Spanish practice, the exhibits accompanying a plea were always filed first and stitched in the file ahead of the plea).

1764, July 7.
Petition of Louis
Pellerin to D'Abbadie
for a concession
in Opelousas.

*To Mr. Dabadie, Commander General of the
Marine and Commanding Officer for the
King in the Province of Louisiana:*

Sir:

Louis Pellerin has the honor to pray to
you saying: that upon the promise that you

have given to settle the lands of Opelousas and Atakapas he has decided to make a settlement in the Opelousas quarter and to cultivate the land. This is why he presents himself before you, Sir, praying that you will accord to him a concession of a prairie measuring one league and a half deep south-west and north-east; where the frontage is (word torn away, but appears as 63 arpents in the concession. L. L. P.) south-east and north-west as also the canebrakes and woods surrounding the said prairie for a half a league on all fronts as appears on the map here attached. He has set forth to you that he has four children and that he intends to take Mrs. Pellerin, his wife, there also, so as to give proof to you of the seriousness and promptitude with which he wishes to work at the concession that he has the honor to ask of you and that he hopes that you will justly accord to him. He also prays that you will authorize this said concession, when given to him, to be named Saint Martha (Saint Marthe) He who is with respect.

Sir

Your very humble
and very obedient servant,
(Signed) Pellerin.

New Orleans, July 7, 1764.

To Mr. Blaise Dabbadie.

1764, July 2.

Concession by

D'abbadie to Pellerin.

The King at Louisiana:

Upon the demand of Mr. Pellerin, Officer on half pay of the troops of this Colony, we have made and conceded to him a prairie situated in the Opelousas quarter having sixty-three arpents frontage south-east and north-west by one hundred and twenty six arpents deep south-west and north-east as well as another piece of land where there are cane-brakes and woods all mentioned in the request on the other side of the page and according to the plan that has been made, here attached, visèd by us and upon which he has formed a settlement that he has named Sainte Marthe. We have in virtue of the power given us by His Majesty and considering the statement in the said request, we have conceded and do concede for the present, the said prairie and other lands, such as are explained here above; it being well understood that the concessions will be found within the limits that have been fixed between the French and Spanish possessions in this part; in this case Mr. Pellerin, as well as his heirs or assigns, may in the future enjoy and dispose of all property and the usufruct as of a thing belonging to them under the name of Sainte Marthe, on condition that he or they will continue there the said settlement and that during one year's sojourn he will put the concessions under cultivation and in default of this the said land will pass from them and will be re-united to His

Majesty's domain, that it may be disposed of again as if the present concession had never been accorded; and at the charge to pay the seigneurial fees if any are afterwards established in this colony. We reserve, moreover for His Majesty all and every bit of the timber necessary for the construction of the warehouses and other structures that may be required in the future, likewise for the repair of the keels of vessels at all times and whenever it will be needed, just as well as the land necessary for the Royal Road and fortifications as far as the air line that must limit the said prairie and other lands. It will be regulated by the boundary marks that will be set out to this effect where the proces-verbal will order them placed which will be attached to the present after they have been recorded at our registry office for concessions.

Given at New Orleans under the seal of our arms and the counter-sign of our secretary the second of July of one thousand seven hundred and sixty four.

Sealing
wax seal.

(Signed) B. Dabbadie

(almost
entirely
gone.)

By Lordship

(Signed) Duvergé

Written in the margin:

Recorded at the registry of concessions held by the Government at New Orleans, 2nd. of July, 1764.

(Signed) Duvergé.

Memorandum.

Note: In virtue of the order by decree, dated this day, the map was removed as it was ordered. New Orleans, March fifteenth of the year one thousand seven hundred and eighty three. I attest. (Unsigned.)

Declaration.

1764, June 20.

Sale of a piece of
land by Valentine
Moreau to Etienne
Robert de la
Morandiere,
Price 4 cows and
their calves.

Before us, Commander of Opelousas in the presence of witnesses, here below named and undersigned, has appeared in person, Valentin Moreau, resident of this said district. By these presents has sold, ceded, conveyed and transferred from now and for always to Mr. Etienne Robert de la Morandiere, Officer on half pay, here present and accepting, a piece of land adjoining the limits of Mr. Marcantel's which he has acquired by

donation under private sign-manual from one named Pierre Mallet to the abovesaid Valentin Moreau, who has sold the said land as it is agreed without any reservation and according to the titles and acts of sale passed by Mr. Pellerin, first owner of the said land, for the price and sum of four cows and their calves, that the said Mr. La Morandiere obligates himself to deliver to the

said Moreau at his first requisition. In consideration of this payment he promises to guarantee him from all trouble and difficulties and to renounce all law suits and procedures made previously to the present act of sale. Done and passed at Opelousas the twentieth of June of the year one thousand seven hundred and sixty four in the presence of Mr. Gerome Mathuliche and Francois Le Mel, witnesses required and residents who after reading have all signed the above act with the forenamed Valentine Moreau, Robert de la Morandiere and we the Commander above mentioned.

(Signed) Gerome Matalich, (Signed) Fr. Lemelle.
witness. (Signed) Moreau.

(Signed) La Morandiere.
(Signed) Chevalier de Clouet.

Declaration.

1774, June 28.

Joseph Moreau

declares that

La Morandiere's

cabin is not built on

his "possession."

To-day June twenty eighth 1774 Before us, Commander of the Post of Oppelousas with Messrs Francois Le Melle and Valentin Mondon as witnesses here below and undersigned, has appeared Joseph Moreau, who having acknowledged for himself that Mr. La Morandiere's cabin is not built on his possession, willingly binds himself to discontinue his pretensions and all proceedings to this effect, done and passed this same day and year as above.

(Signed) Fr. Lemelle. (Signed) Moreau

(Signed) V. Mondon.

(Signed) Chevalier de Clouet.

Certification.

1773, September 14.

Declaration by certain

residents of the Port

of Opelousas that the

land claimed by

La Morandiere belongs

to Pierre Malete.

We the residents of the Post of Opelousas certify that the land that Mr. La Morandiere claims belongs to Mr. Pierre Malete as he has acquired it from Mr. Pelerin in exchange for another and that the said land was never given subject to be re-united to the domain of the King. And under our faith and confidence we can not refuse the present certificate to serve when it will be needed. At Opelousas the 14th. of Septembre, 1773.

Ordinary mark of

Felipe Duplechain.

(Signed) J. Patin. (Signed) C. Barre.

(Signed) J. Caron. + Titma de Teson.

(Signed) Louis Lamothe

witness.

(Signed) J. Deborde. (Signed) Mondon.

witness.

(Signed) L. Hollier.

Declaration**March 24, 1773.**

Pierre Mallet declares that the land he sold to La Morandiere was returned to former and the latter note for the price cancelled.

That he Mallet then donated the land to Moreau his father-in-law.

I, Pierre Mallet, over my ordinary mark and in the presence of witnesses declare to have sold to Mr. La Morandiere, three years ago, a piece of land containing six arpents frontage by the ordinary depth that I have acquired from Mr. Pellerin. The said Mr. La Morandiere having made a note payable to me, that he has always deferred paying until the month of March last, when the said Mr. Lamorandiere came to see me at my house saying that he found he had difficulty with this land, I, thinking to avoid all difficulties returned to him his note which had been made in my favor and upon delivering

his obligation to him annulled our bargain.

Seeing our bargain annulled between Mr. La Morandiere and me for the said land, in consequence I gave it to my father-in-law named Moraux (Moreau) to whom I declare to make a pure gift of it as belonging to him except that he discharge the obligation to establish the said levee. Done and passed at Opelousas the 24th of March, 1773.

(Signed) C. Barre. (Signed) S. Guignan Ordinary mark of witness. Mallet.

Transfer of Land.***1767, March 4.**

Exchange of lands between Mallet and Pellerin.

We the undersigned have agreed to what follows, namely that I, Pellerin cede to Mr. Mallet all my prairie with all the particulars, with the exception of the portion sold to Mr. Courtableau for twenty arpents of land that I, Mallet occupy in partnership with my brother, taking for the land mark Mr. Pellerin's land and running to the limit of Mr. Dupleichin's over the depth of forty arpents such as it is. This is agreed without any reservation and under the authority of Mr. Courtableau, our tutor, who has all the more readily consented as our live-stock is now too numerous to subsist in a land already devoid of grass and too restricted for our two hundred head of cattle. I cede also to Mr. Pellerin the land that I have on the other bank of the Bayou having a frontage at the first mentioned to the limits here above. I, Pellerin, deliver to Mr. Mallet all the prairie starting from one half arpent from the barn between the house of the first settlement running to the end of Péle Hill and a half league of woods due west of the part due north after Péle Hill which will form the line of frontage, that for a depth, due west of the prairie will divide equally from the abovesaid half arpent by a parallel to the depth there including the woods at a half league of the border of the said prairie. The depth from the hills will be terminated

*There can be no mistake about this date as it is written in Arabic figures "4, Mars 1767" in both copies of the transfer of the land.

at the slope of the prairie of Bayou Little Bridge by a land mark put down to distinguish the two possessions. Done and passed in duplicate between us to serve and be of value and under good faith at Opelousas, March 4, 1767. Mr. Pellerin reserving to himself all the cypress woods already worked and the beams that are made for the said cow-shed. They signed.

(Signed) Pellerin

(Signed) Le Duc, witness.

Mr. Mallet's mark

Saintmont witness.

Endorsed.

Mallet's tutor

Courtableau consents to the foregoing exchange.

I, tutor for Mr. Mallet have agreed to the act here mentioned on the other side of the page, seeing the advantage to the said minor and his necessity to exchange, the advantage proven by reasons stated here above in the act. It is because I have known, read

and examined the act I have given my consent which I have signed to be of value in all justice and right. Opelousas, March 4, 1767. Approved (Signed) L. E. Creture.

(Signed) Courtableau.

II

THE PLEADINGS IN THE CASE

The attached documents having been presented send them to the Assessor.
(Signed) Unzaga.
Petition.

Beginning the case proper.
1774, January 21.
Joseph Moreau petitions the Governor General of Louisiana complaining that Fuselier de la Claire Commander at Opelousas has conceded to his relative La Morandiere a piece of land belonging to the petitioner, and prays that the Governor order said Commander to remove La Morandiere therefrom and to restore it to petitioners.

To Your Lordship.

New Orleans, January 22, 1774.

Señor Governor General:

Joseph Moreau, resident of the Opelousas section, with all attention to Your Lordship, states that the Commander of the said part, Mr. Fosilier (Fuselier De la Claire) has disposed of a piece of land, conceding it to a relative of his, Mr. La Morandiere, without the petitioner knowing the reasons by which he may have acquired the said land. It belongs to him (Moreau) in all right as Your Lordship will see by the title of concession, sale and plan, which he presents to you. These show his legitimate right to reclaim it, as well as by the attached certificates that declare it has not been abandoned one instant. In consideration of which the said Commander can not dispose of it by conceding it to any person; for this, and praying Your Lordship will show regard for his large and very poor family and his just pretensions.

I pray it please you to order the said Commander to make the said Mr. Lamorandiere abandon the said land and put the petitioner in possession

of a property that justly belongs to him; he hopes for grace from the justice of Your Lordship.

New Orleans, January 21, 1774.

(Signed) Moreau.

Decree.

1774, January 22.

The Governor orders the Commander to restore possession of the property to Moreau reserving said Lamorandiere's right to claim by law the ownership.

Whereas: His Lordship says that he must order and does order that there be restored to Joseph Moreau, in entirety, the land of which he has been despoiled by the Commander of Opelousas, Don Gabriel Fuselier De la Claire, Don Esteban Lamorandiere reserving to himself the right over the ownership which he must plead for, either in person, or by procuration within one month with orders which will be made known to the Commander by despatch with an enclosure of this decree so that he may not permit the said Moreau to be disturbed in his possession.

(Signed) Unzaga.

(Signed) Doctor Odoardo.

Certification of the decree.

Provided by Señor Don Luis de Unzaga y Amezaga, Brigadier of the Royal Armies, Governor General of this Province for His Majesty who signed with his Assessor General in New Orleans the twenty second of January of the year one thousand seven hundred and seventy four. (Unsigned)

Notification.

The same day month and year I, the escribano notified Joseph Moreau in person of the foregoing decree to which I attest. (Unsigned)

Note:

The despatch which was ordered in the foregoing decree has been issued in two pages and has been delivered to the party. I attest. (Unsigned)

1774, January 29.

Petition of La Morandiere in answer to Moreau's suit setting up various defenses and claiming he has been in possession of the disputed property for more than one year, and has exercised in that period all the outward evidences of ownership and possession.

Don Estevan Robert De la Morandiere late official of the troops of this Colony, through an attorney of the Cabildo, petitions in the best form and according to law presenting myself before Your Lordship and say that the named Moro, (Moreau) resident of Opelousas deceives this Tribunal over the ownership and possession of a piece of land as I will explain by the following particulars:

Firstly, The above said is presented with titles that are found true for one part taking for granted Pedro Mallet's ownership from whom the abovesaid Moro (Moreau) says he has received the land as a gift;

It is necessary to explain the act for this purpose it will be observed, with all due re-

gard, that Antonio and Pedro Mallet, brothers, had a piece of land measuring twenty arpents that Mr. Pellerin had conceded to them or exchanged with them, who had in turn received it by concession from Mr. Dabadie, then Governor of this Colony. Antonio Mallet abandoned his part in an assembly of neighbors in the presence of Mr. Fuselier De la Claire, Commander in that part and Pedro Mallet sold the part that belonged to him and in order to deceive the petitioner made a donation of his brother's part to the named, Moro, (Moreau) his father-in-law, hence it follows that this Moreau carries false titles because of the resemblance of the names of the two brothers and that Pedro Mallet gave a piece of land abandoned by his brother and joined to the dominion of the King for many years since he has not put it to active use during the eight years that he held it.

Besides this it must be added that the petitioner has enjoyed possession of that land for one year and has had buildings erected on it, has cut down the woods on the said land and constructed and kept up a large bridge for the service of the public. He has paid the fees to the Church and has submitted to all the duties corresponding to his ownership without any contradiction and for the proof he has explained to all and so as to avoid costs, may it please Your Lordship to order my explanation verified in the said post by the Commander and done the proceedings be transmitted to the present escribano's office and that it be delivered to me, therefore,

To Your Lordship. I pray it please you to provide and order as I pray with justice, costs, and I swear it is not from malice and it is necessary.

(Signed) Leonardo Mazange.

(Signed) Etienne Robert De La Morandiere.

Decree. Send this petition to the opposition.
(Paraphed Unzaga) (Paraphed Odoardo)

Certificate to the decree. Provided by Senor Don Luis de Unzaga y Amezaga, Brigadier of the Royal Armies and Governor General of the Province who paraphed it with his Assessor General on the twenty ninth of January of the year one thousand seven hundred and seventy four.

(Unsigned)

Notification. On the said day, month and year, I, the escribano notified Estevan La Morandiere of the foregoing decree. I attest.

(Unsigned)

Petition. Don Esteban Robert de la Morandiere
 1774, February 7. through an attorney of the Cabildo in the
 La Morandiere peti- proceedings that I prosecute against the
 tions for an order to named Moro (Moreau) over the ownership
 send citation on his of a piece of land I say the above mentioned
 answer to the Com- has gone to the Post of Opelousas and can
 mander at Opelousas not answer the foregoing petition. In con-
 to be served on sideration of which may it please Your Lord-
 Moreau at that place. ship to order a writ of summons issued so
 that he may appear in this Tribunal within
 a brief space of time to answer either in person or by procura-
 tion and that he will remain represented until the conclusion of
 this suit. Therefore:

To Your Lordship.

I pray it please you to provide and order
 as I pray with justice, costs, and I swear it
 does not proceed from malice and it is necessary &c.

Moreover: If in consideration that I can not follow this
 cause I name for the future up to its definitive sentence, Don
 Leonardo Mazange to represent me. May it please Your Lord-
 ship to have him appointed, that it is justice I ask as above.

(Signed) Leonardo Mazange.

(Signed) Robert De La Morandiere.

Decree.

As it is prayed, entrusting its notification to
 the Commander of Opelousas.
 (Unzaga's paraph.) (Odoardo's paraph.)

**Certificate to
 decree.**

Provided by Senor Don Luis de Unzaga y
 Amezaga Brigadier of the Royal Armies, Governor
 General of this Province for His Majesty who
 paraphed it with his Assessor General in New Orleans on the
 seventh of February of one thousand seven hundred and seventy
 four. (Unsigned)

Notification.

On the same day, month and year, I, the escri-
 bano notified Don Esteban de la Morandiere of
 the foregoing decree, I attest. (Unsigned)

The writ which was ordered has been issued. I attest.

(Unsigned)

Certificate.

1771, September 27.

Antoine Mallette

certifies he donated

the land in question

to his brother

Pierre Mallette.

witness

Deborde.

F. Barre.

I, Entoine Mallette, in the presence of the
 undersigned witnesses, certify to have made
 a donation to my brother Pierre Mallette of
 a piece of land now occupied by Mr. Lamor-
 andiere obtained from Mr. Pellerin and this
 for the good care he has taken of my live
 stock in my absence. Given at Opelousas
 this 27th of September, 1771. Acting for

Entoine Mallette

Latiolais.

Procuration.

1771, March 13.

Rosalie Moreaux wife
of Pierre Mallette
executes power of
attorney to her father,
Joseph Moreaux, to
recover the land
from Lamorandiere.

I, Mrs. Mallette, give, in the absence of my husband, a full power of attorney to Mr. Moreau, my father, to reclaim a piece of land that Mr. Lamorandiere has taken possession of, obtained from Antoine Mallette, my brother-in-law, who in the partition has made a donation to my husband as will be seen by his certification. And that we certify to have given the said land to our father so that he can be able to make a living for his family.

Given at Opelousas the thirteenth of March, 1771. To serve in justice.

(Signed) Rosalie Moreaux, wife of Piere Mallette.

Petition.

1771, January 30.

Jacques Saintmont
petitions Governor
Unzaga for a grant
(concession) of land
to form a settlement
at Opelousas.

*To Don Louis de Unzaga y Amezaga, Colonel
of the Armies of His Majesty and
Governor General of the Province of
Louisiana:*

Sir:

Jacques Saintmont has the honor to represent to you that it is his purpose to form a settlement at Opelousas if it will please you to accord him the titles to a concession of twenty five arpents front by the ordinary depth of a prairie at Little Wood where there is as yet no settlement. This conceded, Sir, the petitioner will not cease to offer these vows to Heaven for the conservation of your days. At Opelousas the 30th of January, 1771.

(Signed) Jacques Saintmont.

Decree.

1771, February 11.

Governor Unzaga
grants the concession
prayed for above
and directing the
Commander at
Opelousas to locate
the same without
prejudice to other
claims, etc.

Let this party be conceded twenty arpents of land in the place that he solicits, if not prejudicing any person, under these conditions; the Commander of Opelousas, Mr. Fuselier will establish him, if no opposition will result from any neighbor, and will proceed to give the limits and boundary marks, committing to writing what will be put into execution at the end of this decree which he will sign with the most immediate neighbors who must agree to this act in order to obviate disputes in the future, notifying this said party with all the rest of the newly established to clear the land along the front that has been conceded to each one of them, for the depth of two arpents, in the three first years. They must immediately construct the roads and levees, if it should be necessary, they must make the ditches at once to carry off the rains, with the bridges that will be necessary so as not to obstruct the road, according to this provision by the ordinance of the 18th of February of the year just passed of 1770, drawn up by His

Excellency, Señor O'Reilly and approved by the King; New Orleans, 11th of February of 1771. (Signed) Unzaga.

1771, March 8.

La Morandiere

opposes the concession claiming it is sought to be located on land he acquired from Courtableau.

Mr. De la Morandiere is opposed to the settlement that Mr. Saintmont pretends to make in this prairie, having acquired from Mr. Courtableau who has been, or is said to have been the owner to the amount of twenty five arpents front by forty deep. A cabin was built there that has been reduced to ashes and that he has come from Pointe Coupee with the intention to re-establish and occupy the above said

twenty five arpents in partnership with three of his brothers-in-law. At Opelousas, March 8, 1771.

(Signed) Fuselier De la Claire.

Petition.

1771, January 29.

Luc Hollier, petitions

Governor Unzaga for

a grant (concession)

of land to form a

settlement at

Opelousas.

To Don Louis de Unzaga y Amezaga Colonel of the Armies of His Majesty, Governor General of the Province of Louisiana:

Sir:

Praying very humbly, Luc (Luco) Hollier, a resident of Opelousas, says that he has the honor to represent to you that having but a small portion of prairie that is not sufficient for the subsistence of his live stock he desires

to form a settlement further away where the pasturage is more abundant and the place more extensive, upon this he prays Your Lordship to accord him twenty five arpents front by forty deep in Little Wood prairie, there not being any residence built at the said place. Consider that the petitioner has no other resources than his live stock. During the six years that he is at the said post he has lost the greater part of them through lack of pasturage which obligates him to voice this demand that he has the honor to make to you. He will not cease to offer vows to Heaven for the preservation of Your Lordship. At Opelousas the twenty ninth of January one thousand seven hundred and seventy one.

L. Hollier.

Decree.

1771, February 11.

Governor Unzaga

grants the concession

prayed for above and

directs the Com-

mander at Opelousas

to locate the same

without prejudice to

the rights of

others, etc.

Let this party be conceded twenty arpents of land in the place that he solicits, if not prejudicing any person, under these conditions; the Commander of Opelousas, Mr. Fuselier, will establish him if no opposition results from any neighbors and he will proceed to give the land marks and boundaries, committing to writing, what was put into execution, at the end of this decree which he will sign with the most immediate neighbors who must agree to this act so as to obviate disputes in the future notifying this

said party as well as the rest of the newly established to clear the land along the front that has been conceded to each one of them for the depth of two arpents in the three first years. They must immediately construct the road and levee, if it be necessary, they must make the ditches at once to carry off the rains with the bridges which will be necessary so as not to obstruct the road as it is provided by ordinance of the 18th of February of the year just past of 1770 drawn up by His Excellency, Señor O'Reilly and approved by the King. New Orleans 11th of February of 1771.

(Signed) Unzaga.

1771, March 8.

La Morandiere opposes the above, claiming he acquired the land in question from Courtebleau.

Mr. De la Morandiere having acquired, many years ago, the ownership of twenty arpents of land from Mr. Courtebleau in the abovesaid prairie that the forenamed gentleman said had been given to him, he opposes the settlement of Mr. Hollier. At Opelousas the 8th of March, 1771.

(Signed) Fuselier De la Claire.

Petition.

1774, April 16.

Joseph Moreau files his reply to La Morandiere's plea and asks the Governor to decide the contest on the face of the papers.

Joseph Moreau by means of Don Francisco Broutin, attorney at the Cabildo, in the proceedings that I have brought against Estevan Robert La Morandiere over the ownership of a piece of land that belongs to me at a place called Opelousas. Answering the petition that has been given me, I say that it is the said La Morandiere who has deceived the Tribunal with the advice of Don Gabriel Fuselier de la Claire, his brother-in-law. The

documents presented on pages 1, 3, 4, 5, and 6 prove my ownership; besides I duly present the donation made by Antonio Mallet to Pedro, his brother, and that the said Pedro has made to me, who had previously sold the land to Lamorandiere and when Mallet presented himself to Fuselier so as to demand payment on the note from La Morandiere for the full amount due for the land, he answered that he did not have to pay a note made in private writing. After putting into execution many other proceedings to collect payment, he was unable to obtain it, for this reason he returned the note and took back his land as appears on page 5, this proves clearly that the land has never been abandoned, because La Morandiere occupied it from the time that he obtained it from Mallet up to the time he was unable to pay for it, and my abandonment of the land does not appear in any part of these proceedings, nor have any titles to ownership been issued to Lamorandiere, nor any concessions from Your Lordship, nor from Fuselier; all this is nothing more than

frauds and intrigues on the part of the latter to deprive me of my land. He has been accustomed to doing this for a long time and has done the same to Luco Hollier and Santiago Saintmont to whom Your Lordship has conceded twenty arpents of land to each one, as appears from the concessions that I present with the same solemnity. La Morandiere opposed them and had the abovesaid Commander, his brother-in-law, rule against them, thus making them abandon their claims. The same has also happened to many other residents.

With regard to the bridge that he says he has built, Your Lordship will observe that this bridge belongs on the land of one named Gayard and is about two arpents distant from my land. Gayard will have to present himself before Your Lordship to reclaim it. The exchange made with Luis Pellerin on page 6 line 8 makes it clear because he says that the depth of the skirts of the mountains will be terminated at the descent of the prairie of the Bayou of Little Bridge designated by a land mark placed to distinguish the two possessions.

His unjust contentions made against a man, sixty-six years old, very poor, with a feeble wife and nine children, six now with him, has caused him much injury, having had to make two voyages to this city to this effect. In the first he lost three months of his time and much property by his long absence, missing the time to plant his crops and has had his house constructed on the said land, fall into decay. In consideration that La Morandiere and I are very poor and that we have not the wherewith to pay the costs, may it please Your Lordship to sentence this suit definitively with the documents presented without admitting the cause to proof and order the said Commander to put me in possession of my land without delay nor any difficulty, and exclude the said La Morandiere from his pretensions, as he has not presented his titles to ownership, within one month, as he was ordered to do by Your Lordship's decree on the reverse side of page 7, the time has already passed with an additional forty eight days and that further La Morandiere be ordered to leave the buildings that he has constructed on my land, these consist of a cabin, a hen-house and a fence, I can not indemnify him for any of these because of the great injury he has done me and also condemn him to pay all costs. Therefore.

To Your Lordship.

I pray that the said documents having been presented it please you to provide and order as I have petitioned as it is from justice, costs and I swear it does not proceed from malice and it is necessary &c.

(Signed) Moreau.

(Signed) Francisco Broutin.

Decree. Send this petition to the opposition.
(Unzaga's paraph) (Odoardo's paraph.)

Certificate to the decree. Provided by Señor Don Luis de Unzaga y Amezaga, Brigadier of the Royal Armies, Governor General of this Province for His Majesty, who paraphed it with his Assessor General in New Orleans, the sixteenth of April of the year one thousand seven hundred and seventy four.

(Unsigned)

Notification. The same day month and year, I, the escribano notified Don Joseph Moreau of the foregoing decree. I attest.

(Unsigned)

Notification. On the said day month and year, I, the escribano notified Don Leonardo Mazange of the foregoing decree, I attest.

(Unsigned)

Certificate.
1774, May 6.
Fuselier de la Claire
Commander at the
Opelousas executes
the order of Governor
Unzaga and restores
possession to Joseph
Moreau.

Although the house that Mr. La Morandiere built may not be on the land that Mr. Pellerin has sold to Pierre Mallet according to the land marks indicated in the sale by private sign-manual made by the said Mallet as it appears by our proces-verbal of yesterday evening, nevertheless so as to obey His Lordship, the Governor General's orders strictly, we enjoin Mr. La Morandiere to withdraw from his settlement and to let Valentin Moreau take possession. At Opelousas the sixth of May, 1774.

(Signed) Fuselier De la Claire.

Certificate.
1774, May 8.
Silvain Saunies
certifies that the
house La Morandiere
has built is not on
the Mallet grant.

I, Silvain Saunies, over my ordinary mark in the presence of the undersigned witness, certify and declare to have seen the land mark which makes the partition of the land that Mr. Pellerin has exchanged with Pierre Mallet. The said land mark is at the slope of the hill of the prairie of Bayou Little Bridge and that the house that Mr. De la Morandiere has built is located at a distance of many arpents from the land mark. In faith of which not knowing how to sign I have made my ordinary mark. At Opelousas this 8th of May, 1774.

Ordinary mark of
Silvain Saumer.

Mondon
witness.

Certificate.

1774, May 8.

Jean Taisson

certifies to the above
state of facts.

I, Jean Taisson, over my ordinary mark in the presence of witnesses, certify and declare to have seen the land mark that made the separation of the land that Mr. Pellerin has exchanged with Pierre Mallet. The said land mark is at the slope of the hill of the prairie of Little Bridge. The house that Mr. De la Morandiere has built is found at a distance of several arpents from the land mark. In faith of which not knowing how to sign I have made my ordinary mark. At Opelousas this 8th of May, 1774.

Ordinary mark of
Jean Taisson.

Cailloux witness.

Declaration.

1769, August 13.

Agreement between
Francois Marcantel
and Pierre Mallet
whereby the latter
cedes the former
certain land in
consideration of
lumber to be
furnished to build
houses, etc., on
Cane River.

We, Francois Marcantel and Pierre Mallet over our ordinary marks and in the presence of the undersigned witnesses have agreed to the following articles:

1st. I, Pierre Mallet cede to Mr. Marcantel the one half of the land that we possess between us, my brother and I, at the prairie of the hills adjoining on one side that of Mr. Courtableau on condition that Mr. Marcantel will build for me at Cane Bayou, a house twenty feet long by fifteen feet wide of stakes in the ground, a warehouse twenty four feet long by thirteen wide, a pen and a ditto for calves and one other little pen all composed of sixty eight pieces making fifteen hundred barrier stakes prepared and dressed and put upon the place and transported on my little boat at one time.

2nd. And I, Francois Marcantel obligate myself to fulfill all the articles mentioned here above and that I, Mallet, guarantee Mr. Marcantel of all trouble that may be possible and might come on the part of my brother as I am his tutor. Made double and from good faith. At Opelousas this thirteenth of August of one thousand seven hundred and sixty nine.

(Signed) L. Hollier, witness.

(Signed) Marcantell

Ordinary mark of

Pierre Mallette.

(Signed) Charles Labo.

(Signed) Saintmont.

Certificate.

1773, December 7.

That La Morandiere
has made no settle-
ment, nor contracted
for any building on the
land in controversy.

I certify that up to to-day Mr. La Morandiere has never made any settlement on the land nor done any work nor has he contracted for any building by which he might acquire it. I make and give the present to be of service. At Opelousas this 7th of December, 1773.

(Signed) Boyes Jr. For Laurant Bayt.

Certificate.

1774, February 9.

Other witnesses
certify that La
Morandiere did not
build, enclose or settle
on the land before
he was placed there.
Further, that Antoine
Malet had informed
the Commander he
could re-unite the
land to the domain
of the King.

We, the undersigned residents of Opelousas certify that on the land that Mr. La Morandiere occupies he has never built any house, enclosure nor made any settlement before he was placed there and that Antoine Mallet was summoned in our presence by the Commander of the district to make his bridge so as to put the public in the way of transporting the wood for the Church in the place prescribed by the Governor, the said Antoine Malet answered that he was about to return to Illinois and that they could re-unite his land to the domain of the King. In faith of which we have delivered the present certificates to serve when necessary. At Opelousas the 9th of February, 1774.

lousas the 9th of February, 1774.

Sesan for Antoine Malet

Jean Ortalan for

Antoine Langlois

Louis Bigue

Jean Ortalan for Charles Locas

Mondon acting for Joseph Cormier.

Augustin Soileau

Jean Ortalan.

Marcantell.

Act of Sale.

Duplicate of the

exchange dated

March 4, 1767

printed above p. 102.

We the undersigned have agreed to what follows; namely that I, Pellerin cede to Mr. Mallet all my prairie with all the particulars, with the exception of a portion sold to Mr. Courtableau for twenty arpents of land that I, Mallet occupy in partnership with my

brother, taking Mr. Pellerin's land for the land marks and running to the limits of Mr. Dupleichen's for the depth of forty arpents such as it is. This is agreed without reservation and under the authority of Mr. Courtebleau, our tutor, who has all the more readily consented as our live stock is now too numerous to subsist on land already stripped of grass and too restricted for our two hundred head of cattle. I cede also to Mr. Pellerin a piece of land that I have on the other bank of the Bayou, having a frontage on the abovesaid at the limits hereabove; I, Pellerin deliver to Mr. Mallet all the prairie starting from a half arpent from the barn between the house of the first settlement running to the end of Péle Hill and a half a league of wood due west of due north after Péle Hill which will form the line of frontage; that for the depth due west of the prairie will divide equally from the abovesaid half arpent by a parallel to a depth there including the woods at a half a league of the border of the said prairie; the depth from the hills will be ended at the slope of the prairie of the Bayou Little Bridge by a land mark put down

to distinguish the two possessions. Done and passed in duplicate between us to serve and to be of value and under good faith. At Opelousas this, 4th of March, 1767; Mr. Pellerin reserving to himself all the cypress woods already worked and the beams that are made on the cow-shed. They signed.

Pellerin.

Mark of Mr. Mallet

Le Duc, witness.

Saintmont, witness.

Endorsed.

I, tutor for Mr. Mallet have consented to the act here mentioned on the other side of the page considering the advantages to the said minor and his necessity to exchange, the advantage proven by reasons stated here above in the said act. It is because I have known, read, and examined the act I have given my consent which I have signed to be of value in all justice and right. At Opelousas this 4th of March, 1767. Approved L. E. Creture.

(Signed) Courtebleau.

Certificate.

1774, February 12.

Declaration by many residents of Opelousas that the land where La Morandiere "came to make his residence" has never ben occupied, improved or cultivated since the settlement of Opelousas.

We the undersigned residents of Opelousas certify that for many years the bridge on the land where Mr. de la Morandiere came to make his residence is at the charge of the neighbors who are obliged to make the repairs at their expense and that after the settlement of Opelousas we have never had on the said land any house, any enclosure, any land sown with crops nor any work that could constitute the ownership of a plantation. In faith of which we give the present to serve when it will be needed. At Opelousas the 12th of February, 1774.

(Signed) Mondon

Mondon signing for Michel Comont.
for Lange Bourque.

J. Chevalier signing for
Antoine Pillette
J. Chevalier signing for
Antoine Langlois
J. B. Guilliory
May Claude
Pezet signed for Philipe
Deplesaint
and for Jacque Brinaq
Boyer Jr.
Jean Ortalan
Sezan for Charles Lacosse

Louis Bigue
P. Deborde
Marcantell
Connard Jr.
Jean Ortalan
J. Chevalier
Bapteis Fonteno
Bapteis Fonteno
signing for J. L. Chretien
Michael Brignac
Louis J. Stoc
J. Ansone

Declaration.

1774, May 5.

Fuselier de la Claire
Commander at

Opelousas certifies
that in obedience to
the order of Governor
Unzaga he went with
Joseph Moreau and
witnesses to put said
Moreau in possession
and the latter refuses
to take possession.

In the year one thousand seven hundred and seventy four the fifth day of May after mid-day, the undersigned Commander of the district in the presence of all the witnesses hereafter named and undersigned, I, myself, went to the land that His Lordship, the Governor General of the Province ordered us to put Valentin Moreau in possession of. In accordance with the said order having charged the said Moreau to assist at the placing of the land marks and the survey of the land so as to put him in possession in conformity to the limits indicated in Mr. Pellerin's act of sale to Pierre Mallet. These limits are fixed at the slope of the prairie of the Bayou of the Bridge that Mr. Donato Bello has declared to us to have seen set out under the act of sale that was made to Pierre Mallet these land marks are found at several arpents distant from the house that Mr. de la Morandiere built. The said Moreau seeing that the said house is not built upon the land that His Lordship adjudicated to him, refuses to take possession of the land. A proces-verbal has been drawn up of this refusal, signed by Donato Bello, Jonsone, Matuliche, Joseph Chevalier, Barthelemy Le Blanc, Andre Mondon, Boisdoré, and the Commander of the district.

(Signed) J. Chevalier.

Mondon.

Barthelemy Le Blanc.

Marcantell.

Donato

Gerome Matulich.

A. Boisdoré.

Fuselier De la Claire.

Petition.

1773, April 2.

La Morandiere prays
the Governor

(Unzaga) to grant
him certain land
in the "hills of
Opelousas."

To His Lordship

*Don Louis De Unzaga y Amezaga, Brigadier
of the Armies of the King, Inspector In-
tendant and Governor General of the
Province of Louisiana:*

Etienne Robert De la Morandiere, Officer on half pay, has the honor to represent to you that in consequence of the opposition of the widow Courtableau he can not make use of the conditional concession of thirty arpents that Your Lordship has accorded to him on the right bank of the Opelousas river. He wishes to form a settlement in the hills of Opelousas and for and to be maintained in a peaceable possession of it. He prays Your Lordship to accord him a concession of fifteen arpents frontage adjoining Mr. Marcantell's at the boundary east and west by all the depth north and south after Jacques Patin's limits up to that of Baptiste Fonteno.

The supplicant awaits this grace from your bounty and prays to God for your prosperity. At Opelousas the 2nd of April, 1773.

Robert De la Morandiere.

Commander de la Claire certifies the same has not been conceded (heretofore).

The land demanded in the petition here above has not been conceded by His Majesty. At Opelousas April 3.

(Signed) Fuselier De la Claire.

Decree.

1773, October 11.

Governor Unzaga grants the concession with the condition that the land is vacant and not prejudicing any neighbors, etc.

The Commander of Atacapas, Mr. Fuse-
lier De la Claire will allot to this party
fifteen arpents frontage of land in the place
that is stipulated, if it is vacant and not
prejudicing the adjacent neighbors, of which
he will mark the boundaries and limits, com-
mitting to writing at the end of the proceed-
ings what will be put into execution, signing
it with the aforesaid neighbors. Let it be
transmitted to me in order to provide him
with his title in due form. Notify him to clear the said land
all along the front to a depth of two arpents in the three first
years. He must make, immediately, the roads, levee and ditches
to carry off the waters with the necessary bridges so as not to
obstruct transit, according to the ordinance regulating the sub-
ject. New Orleans 11th of October, 1773.

(Signed) Unzaga.

Certificate.

1773, October 28.

Comamnder Fuselier
de la Claire certifies
he has assigned to
La Morandiere certain
lands and fixed the
limits and boundaries
of the same.

To-day, the 28th of October of the year
1773 for the execution of the decree of His
Lordship, the Governor General of this Pro-
vince, I, the undersigned Commander of the
district have assigned to Mr. De la Moran-
diere, the fifteen arpents of land that have
been accorded to him in the hills of Opelousas.
I have fixed the limits for the depth running
north and south and marked the boundaries
in the presence of Messrs Francois Marcant-
tell and Baptiste Fonteno, resident neighbors, who have signed
the present proces-verbal as well as we, the abovesaid, in the
year, month and day as hereabove.

(Signed) Fuselier De la Claire.

(Signed) Marcantelle.

(Signed) Bapteis Fonteno.

Petition.

1774, May 21.

La Morandiere recites that he has been deprived of his house though it was on land not belonging to Moreau and he prays that the land on which these improvements exist be conceded to him.

Señor Governor General:

Don Estevan Robert de la Morandiere with all due respect and most profound veneration present myself before Your Lordship and say that in the proceedings that Joseph Moreau has brought against me for the restitution of a piece of land that he has claimed as belonging to him and that the Commander of Opelousas was ordered to put him in possession of. This order has been carried out, but to my great detriment, because he has been given more land than should belong to him as appears from the survey made of it, as well as the proceedings put into execution by the said Commander for the giving possession. It is upon this said surplus that the houses and buildings that I have erected are to be found. These I built when Don Gabriel Fuselier conceded me the land that is now supposed to belong to Moreau. I have the honor to pray Your Lordship the concession of the said land having added in the demand that I made, for another ten arpents that were found vacant and belonging to His Majesty's dominion. Your Lordship has willingly conceded all that I asked without distinction, this I have requested because my house was built on these ten arpents that are in excess of the land that is to belong to Moreau. Nevertheless the Commander placed Moreau in possession of all and has put me out of my house with my family although it has been affirmed that it does not belong to Moreau. For this I pray Your Lordship that having seen the documents and proceedings put into execution for this evacuation, you will deign to reinstate me in my house and give the order corresponding to the Commander of the said post. I hope for grace from Your Lordship's well known justice.

New Orleans 21st of May of 1774.

(Signed) Robert De la Morandiere.

Decree.

The records that he stipulates having been presented, send this petition to the opposition.

(Unzaga's paraph.)

(Odoardo's paraph.)

Certificate of the decree.

Provided by Señor Don Luis de Unzaga y Amezaga, Brigadier of the Royal Armies, Governor General of this Province for His Majesty who paraphed it with his Assessor General in New Orleans on the twenty first of May of one thousand seven hundred and seventy four.

(Unsigned)

Notification.

On the same day, month and year, I, the escribano, notified Don Robert La Morandiere, in person, of the foregoing decree. I attest.

(Unsigned)

Notification.

On the said day, month and year, I, the es-
scribano, notified Don Francisco Broutin, in
person, of the foregoing decree. I attest.

(Unsigned)

Note—This ends the record, and as the same seems to be
complete, it would appear that no further proceedings were in-
voked by either party.



LOUISIANA POLITICS, 1845-1861

(Continued from July, 1929.)

By JAMES KIMMINS GREER, B. A., M. A.

CHAPTER IV

THE ELECTION OF 1848 AND THE FORWARD MOVEMENT OF THE DEMOCRACY

As the presidential election year dawned, the delighted Whigs continued lavishly to entertain Taylor, this "favorite son", a soldier by profession, as they saw an opportunity to recover their recent losses by capitalizing his lack of real political interest. Popular toasts given at complimentary dinners in his honor included: "General Taylor: The hero belongs to the Union—the man we claim as belonging peculiarly to Louisiana"; "The next President of the United States, General Zachary Taylor"; "The opponents of the Wilmot Proviso: the best friends of the Union."¹

Resolutions adopted at some Taylor meetings held that participation in a National Convention was inexpedient, and that the "People's Candidate" should be supported instead by an electoral ticket resulting from parish and State conventions.² A great "Taylor meeting", "irrespective of party considerations", was called to meet at the new commercial Exchange; but the committee on resolutions and the Speakers were, with a single exception, staunch Whigs.³ But there were some Whigs who had stood out against the anti-convention no-party policy which the Taylor cause adopted at first. These were the "set-fasts" who wanted their same old Whiggery.⁴ Before the lapse of another month the Whig journals, at first quiet on party talk, were openly insisting upon the necessity of submitting their candidate's name to a Whig National Convention.⁵ A week later, a convention, whose officers were composed of ten Whigs and four Democrats, selected six Taylor electors of whom five were prominent Whigs.⁶

Meanwhile, the newly elected legislature, which was the second under the new Constitution, assembled. When the body convened on January 17, organization was delayed in the House, by an agreement among the Whigs that they would not partici-

¹*Weekly Delta*, January 17, 1848.

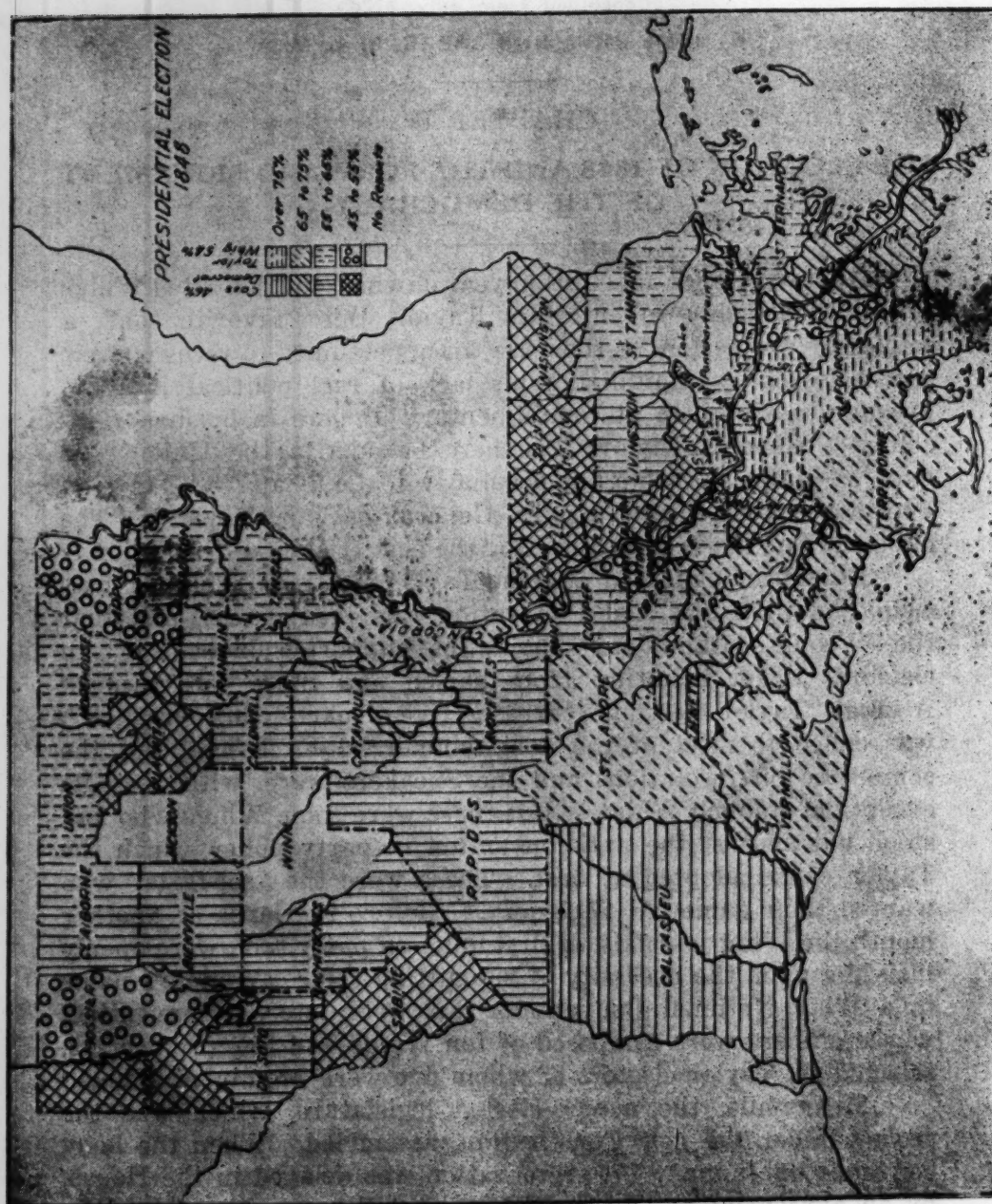
²*Ibid.*

³*Weekly Delta*, January 24, 1848.

⁴*Ibid.*, May 7, 1849.

⁵*Ibid.*, February 21, 1848.

⁶*Weekly Delta*, February 28, 1848.



pate in the proceedings until all their members arrived, so they might take advantage of their majority of four members.⁷ On the following day, the House proceeded to elect a speaker. The Whigs nominated P. W. Farrar and the Democrats selected Henry Phillips. Farrar was elected—48 to 46. The session had much work to do and yet the session, under the new Constitution, was limited to sixty days.

The Mexican question was introduced into the Senate by Sigur of Orleans parish; and that body justified the course and recommendations of the President, Polk, in the War by a majority of eight.⁸ A second important point to be dealt with was the election of a Federal Senator. An anonymous letter "To the Whigs of the Legislature," reported that a conversation was overheard between Democrats to the effect that they were assured of electing a Democratic Senator. To the author of this letter, this purported information meant that some Whig would be "sick," "absent," or have "conscientious scruples" about supporting the Whig nominee. Furthermore, it was suggested that in "times past money has effected wonders."⁹

A glance at the composition of the Legislature, showed that the Whigs had an uncertain majority, unless they used the usual Democratic arrangement—the caucus system. After long resistance, the Whigs had adopted this system.¹⁰ The General Assembly totaled 130 members. J. M. Bell, of Orleans parish, nominated John Slidell, and C. Adams, of Iberville, nominated Duncan F. Kenner, of Ascension.¹¹ The first ballot gave a tie—64 to 64. One Whig, I. A. Myles, was absent and another voted for Slidell, but one Democrat, Maunsel White,¹² of Plaquemines, threw his vote away.

Current reports were that Myles' absence was due to corruption. Jones, of Jefferson, furnished the House with a written statement to the effect that Myles had told him on Saturday before the election on Monday that he had been offered four negroes not to vote for a Whig United States Senator. A resolution was proposed for the appointment of a committee to investigate the alleged corruption. The resolution was seconded by a Democratic member and the Democrats disclaimed any knowledge of the

⁷*Daily Picayune*, January 18, 1848; *Weekly Delta*, January 24, 1848. Whigs said this was locofoco trickery.

⁸*Weekly Delta*, January 24, 1848.

⁹*Daily Picayune*, January 23, 1848. The message was signed "a Looker-On."

¹⁰*Weekly Delta*, January 24, 1848.

¹¹Senator Henry Johnson's term was to expire on March 4, 1849.

¹²Ever afterward a bitter enemy of Slidell's.

affair.¹³ The second ballot was as the first, and the Senate then withdrew. After some discussion on the part of the House, the Senate returned and balloting was resumed. When Bell's name was called for his ballot, he arose and nominated Pierre Soulé. The excitement in the Assembly was intense because of the unexpected defection in the Democratic ranks. Soulé was, of course, elected.¹⁴ Slidell was a party man and he and his friends voted for Soulé. Probably he could have been elected had he courted favor with the Whigs by supporting Taylor. Bell's explanation was that the Legislature was deadlocked and Slidell could not get a majority, but two Whigs promised to vote for Soulé.¹⁵ One of these Whigs read a paper on the floor of the House, later, defending his action on the ground that a motion to adjourn had lost and no further action as to any available Whig candidate was possible.¹⁶

The Whigs gained such comfort as they could out of the miscarriage of the Senatorial election, from the report that the Democrats were not enjoying themselves as much as they thought they would at the sight of "Whiggery weltering in its blood."¹⁷ This was because bitter enmity had developed between the Slidell and Soulé factions.

On March 7, the "Myles Committee" reported. From evidence presented, the Committee did not "feel authorized to report that any breach of privilege has been committed," but that part of the evidence was of such nature that it should be printed. Offers of the same type had been made to others of the House as well as Myles, and, so the chairman of the committee stated, were "considered as perfectly in accordance with parliamentary usage."¹⁸ The Committee's report was adopted and one hundred copies of it ordered printed.

With the holding of a Democratic state convention to select delegates to the national convention and presidential electors, the atmosphere, which had been clearing for some time, now permitted

¹³*Daily Picayune*, January 26, 1848.

¹⁴This dated the beginning of permanent enmity and rivalry for control of the State between Slidell and Soulé.

¹⁵*Weekly Delta*, January 31, 1848.

¹⁶*Daily Picayune*, January 27, 1848.

¹⁷Watkins was replying to a series of bitter attacks on his action, as a Whig, by the *Commercial Bulletin*.

¹⁸*Daily Picayune*, January 26, 1848.

¹⁹*Ibid.*, March 8, 1848.

full party energies to be used in the approaching canvass.¹⁹ Men who had advocated fusion of parties fell back on old party ties, and speeches by S. S. Prentiss and others in denunciation of independent no-partyism, showed that the parties were to be as distinct as ever.²⁰ Resolutions adopted in the Democratic Convention were truly partisan in approval of the Tariff of 1846. The Independent Treasury, the War with Mexico, and in opposition to the distribution of the proceeds of the sale of public lands among the States.²¹ Speakers who addressed the Convention vehemently denounced the anti-war feeling and the Wilmot Proviso.

Municipal elections passed quietly, with the larger presidential election looming, and issues remained nearly the same. Mayor Crossman, the Whig candidate, was reelected by a majority of 2,103 votes over Reynolds, of the Democrats. The general tone of the city government was undoubtedly Whig.²²

Time witnessed the floundering return to Democratic waters of Democrats who had bit at the "no-party bait" of the Whigs, and the "Locofocoes" soon presented a united front.²³ The Democratic party was compared with a well drilled regiment of regular soldiers, while the Whigs were likened to one of spirited and gallant volunteers, who fought gallantly but impulsively.²⁴ At Baltimore, the Louisiana vote was divided between Cass and Buchanan. Slidell refused to cast the deciding vote, although he had hoped that the time was at hand when he could enter in the race his carefully groomed friend Buchanan. The Democratic nominees, Generals Lewis Cass and W. O. Butler, met with strong approval in the State, and the Democrats of New Orleans featured their ratification meeting with speeches from

¹⁹Some of the more prominent delegates were: John Slidell, Emile La Sere, W. S. Kendall, J. J. Pugh, M. G. Penn, Felix Huston, T. G. Davidson, T. O. Moore, S. W. Downs, and Dr. T. W. Scott. *Daily Picayune*, March 16, 1848.

²⁰*New Orleans Commercial Times*, March 18, 1848; *Weekly Delta*, March 20, 1848.

²¹*Ibid.*, March 20, 1848.

²²*Daily Picayune*, April 2, 4, 6, 1848.

²³*Weekly Delta*, May 15, 1848.

²⁴*Weekly Delta*, May 8, 1848. This comparison was continued to some length by the *Weekly Delta* of May 29th, though it objected to being classed as a "Democratic press" by *The Bulletin*.

A study of the attitudes of the press, alone, during this campaign would make an interesting study. Obviously some of the journals that called themselves independent were not, though, in some instances, they clung to the claim for years. *The Crescent* was a new paper which made its appearance early in March, 1848. It announced that it was to be an independent journal without party bias of any sort. (See *Picayune*, March 7.) In fact, the editors, Hayes and McClure, announced at the end of the campaign that they were divided on politics. (See *The Daily Crescent*, November 10.)

The *Picayune* began the publication of an evening edition on October 17, 1848. The *Weekly Delta* reiterated its "independence" on September 11. Of course, the *Bee*, *Bulletin*, and *Courier* were old party organs.

Senator Douglas, Pierre Soulé, and lengthy resolutions similar to those which the State conventions had already voiced.²⁵

It was known among the Whigs that some of the southern States²⁶ had sent some Clay delegates to the National Convention, and there was anxiety in New Orleans until the nomination of General Taylor was announced, when this feeling gave way to wild joy.²⁷ Ratification meetings of the Whig Nominees were enlivened by bands, banners, standards, and parades. Representatives from the city attended the meetings held in the towns of the country parishes, which were not less brisk in spirit, at least, than those held in New Orleans on Canal Street.²⁸

All of the political orators seemed to be taking to the stump. John C. Larue and Pierre Soulé, Democrats, toured the State, and were followed by J. P. Benjamin, Randell Hunt, and S. S. Prentiss, while in New Orleans there was left, on the Whig side, Col. Farrar, J. G. Sever, and Preaux, with Colonels Preston and Reynolds, of the Democrats.²⁹ The machinery of the parties consisted of clubs, associations, committees, etc.—which held meetings almost every night, and there were issued boat loads of addresses, tracts, and other documents. One event out of the ordinary was a call from the "Free Soil" party³⁰ of Louisiana to convene at Lafayette. T. G. Mackay was made chairman and J. J. Young, secretary. Henry A. Sample addressed this "Van Buren Club of Lafayette," and read from a document on the purposes of the meeting; which were to oppose, as a club, the extension of slavery over the territory of the United States not recognized as States, in order that the free white laborer might have a home; and to support the granting of land free to actual settlers.³¹ These planks were to be the basis of their constitution, and the officers of the meeting endorsed the document with their signatures. Sample then spoke on the doctrines of the Free Soil party. L. Stone also spoke, and mentioned Millard Fill-

²⁵*Weekly Delta*, June 12, 1848.

General Butler spent two weeks in New Orleans after his return from the Mexican War scenes and was zealously received and entertained by the Democrats of the city. *Weekly Delta*, July 3, 1848.

²⁶Alabama, for instance.

²⁷*Weekly Delta*, May 29, June 19, 1848; *Daily Picayune*, June 13, 1848.

²⁸Obviously the press was full of accounts of the various meetings and their features, which cannot be reproduced here. For excellent accounts see *The Daily Picayune*, June 24, July 2, et seq., 1848; *Weekly Delta*, June 26, July 3, July 17, et seq., 1848.

²⁹*Weekly Delta*, August 21, 1848.

³⁰The Mayor of Lafayette warned the Free Soil men to be careful with their language and not to violate the code of Louisiana on subjects of this nature.

³¹*Weekly Delta*, August 21, 1848.

more and Daniel Webster as advocates of the same doctrine. The following resolutions were then submitted and adopted:

Resolved, That we oppose the extension of slavery over the recently acquired territory of New Mexico and California.

Resolved, That our regard for the rights of free white laborers does not interfere with the rights guaranteed to slave owners.

Resolved, That we approve of the nomination of a candidate for the Presidency by our brethern of the Free Soil party, and will support said nomination and all the political doctrines they advocate, so far as the same are consistent with our allegiance to the State of Louisiana.

Resolved, That the sale of public land in large bodies, to speculators, is a curse to the cause of humanity and personal independence, and that we advocate the withholding said lands from all but actual settlers, and they to obtain it at cost.

Resolved, That we fully appreciate the public notice addressed to the Free Soil party of this city, by his honor the Mayor. But we expect so to use our political rights as not to incur the penalty of either the penitentiary or gallows.³²

According to a reporter's tally, only sixteen persons were present, exclusive of the officers. With one or two exceptions, and then in a spirit of jest, the meeting was ignored by speakers and journals of the two major parties.

It was a matter of course that Democratic orators and debaters should describe Fillmore as a "Free Soiler" and "free nigger" candidate; denounce both the Wilmot Proviso and the internal improvement planks of the Whigs;³³ and expose the treachery of the "Independent Taylorites" who had attempted to ensnare the Democrats with their "no-party" scheme. But the Whig speakers were able to repel these attacks, especially those pertaining to slavery. For instance, Prentiss, in a debate at Baton Rouge, pointed out that the Whigs would not be less slow to risk their lives in opposition to incendiary movements of the Abolitionists than the Democrats.³⁴

Excitement in political circles waxed fiercer every day. Partisan editors appealed to adopted citizens to exercise their politi-

³²*Ibid.*

³³*Weekly Delta*, August 28, September 11, 1848.

³⁴The strength of this rejoinder lay in the unspoken fact, which should be kept in mind, that the chief slave owners of the State, as was true in the South generally, were Whigs, not Democrats.

cal rights;³⁵ torchlight processions were held every evening for days,³⁶ and the zeal of the respective partisans exceeded that of 1844. Young men took an active part in the campaign and formed Rough and Ready, Cass and Butler, Fillmore Rangers, and Chalmette Invincible clubs.³⁷ The campaign became so warm that the *Delta* reminded all concerned that loss of tempers was "silly."³⁸ This state of excitement caused committees from campaign organizations of both parties to meet and form an agreement which was to regulate marches, parades, etc., in order that collisions might be avoided.³⁹

Both parties finally agreed to hold a "Grand torchlight procession" on Saturday nights preceding the election.⁴⁰ The Democratic procession⁴¹ was held as scheduled, but unfortunately the paraders became embroiled in a row with Taylorite onlookers, and in the ensuing conflict blows were exchanged and arms used. Some of the Democrats were slightly wounded and a coffee house was burned.⁴² The Whig press desired a quiet election, and cautioned against hasty decisions based on the early reports of the result.⁴³

The concluding days of the campaign found Democratic orators complaining that the Whigs had abandoned old issues for appeals to sectionalism, military worship and neighborly feel-

³⁵*Weekly Delta*, September 18, 1848. This journal pleaded for allowing the Irish, Germans and other foreign-born to vote for principle rather than to allow themselves to be influenced by appeals to race prejudices.

³⁶*Daily Picayune*, October 6, 1848.

³⁷*Weekly Delta*, October 16, 1848.

³⁸October 16. *The Delta* claimed that it was still impartial so far as parties were concerned.

³⁹*Daily Picayune*, October 19, 1848; *Weekly Delta*, October 23, 1848.

⁴⁰Much poetry and song was indulged in. One verse read: "Old Zack, he's on the track, and we're at his back." A favorite song of the Whigs was, in part:

General Taylor, Rough and Ready,
True son of noble sire;
He, with Five Thousand men,
Cut down Santa Anna's fire.

General Taylor is the man,
General Taylor is the man,
The Rough and Ready Boys
Will by him nobly stand;
For General Taylor is the man, etc.

Weekly Delta, October 9, 1848.

⁴¹One Democratic caricaturist selected as his subject the Fillmore Rangers. A rooster was made to ask long-eared jackass his name; to which the jackass responded: "Fillmore Ranger."

⁴²*Daily Picayune*, November 6, 1848.

⁴³*Ibid.*, November 1, 1848; *The Bee*, quoted in the *Weekly Delta* of November 6, 1848.

ings.⁴⁴ A full vote was forecast. The Whigs were confident of carrying the city, and the Democrats, on the other hand, hoped to at least keep the majority low. The city had given Clay a majority of 414 in 1844, but the following November Governor Johnson, Whig, received 300 majority, and in November, 1847, the Democrats prevailed. In the municipal elections of April, 1848, the Whigs swept the city; but it was expected that absentee Whigs would cut down their vote in November to less than that of the April elections.⁴⁵ Certainly the contest was to be close and party lines were strictly drawn. The excitement which had threatened the peace of the city had calmed, and it was believed that the election would not be disorderly.

Taylor and Fillmore led in twenty-four parishes and Cass in twenty-three. Orleans parish gave Taylor 5,551 votes to Cass 4,579. Taylor's majority in the State was 2,847 in a vote of 33,587. The larger majorities of either candidate in the various parishes were to be found in those parishes that were usually "Whig" or "Democrat."⁴⁶

The Whig press of New Orleans now professed to believe that party spirit was too high for the appointment of a mixed cabinet.⁴⁷ The electors spoke the final word of the campaign when they gave all Louisiana's electoral votes for Taylor, at the State House on December 10. The Whigs had won a glorious victory, but were soon to find the champion whom they had so zealously supported opposing their views on the slavery question.

While the excitement from the Presidential contest was still aflame, in December of 1848, the chances of various prospective candidates for Governor were being discussed. Those most prominently suggested were Isaac E. Morse, member of Congress; John C. Larue, editor and legislator; General Walker, old Democrat from Western Louisiana; Charles Gayarré, Secretary of State and member of the "ancient population,"⁴⁸ and T. Landry, the Lieutenant Governor,⁴⁹ all Democrats. An approaching contest between the "Setfasts" and the "Rotary Democrats"⁵⁰ was apprehended. The patronage in control of the next Governor was to

⁴⁴*Weekly Delta*, October 23, 1848.

⁴⁵*Ibid.*, October 9, 30, 1848.

⁴⁶See *Weekly Delta*, December 4, 1848, for complete returns. In addition to the press of the State, these returns may be had in convenient form in Horace Greeley's, *A Political Text-Book for 1860*: (New York, 1860), 232-233.

⁴⁷*Daily Picayune*, quoted in the *Weekly Delta* of December 4, 1848.

⁴⁸Some held that the office of Governor should alternate in men from the old and new population.

⁴⁹He would represent more the planting interests, which the Democratic press stated should have first consideration in the selecting of a Governor.

⁵⁰That is the conservative and the progressive Democrats, respectively.

be the largest ever wielded by a chief executive of the State, and it was open knowledge that the Democrats wanted a man of strong party attachment. It had been discovered that General Walker had some personal friends among the Whigs, and had at times seen fit to appoint some Whigs to minor positions. At once objection to him was raised, but the Walker men urged harmony and declared that he would "come up to the scratch." Harmonson, member of Congress and who had been spoken of as the most prominent rival for the nomination, thereupon refused to be brought forward, and Walker was chosen. It was believed that Walker would, if elected, act in accordance with the demands of the office.⁵¹

Of the Whigs, General Edward Sparrow, former candidate for Lieutenant Governor, was very popular with the people. B. G. Thibodeaux, member of Congress from Lafourche, a strong Whig district, was in line for Lieutenant Governor. Some friends of J. P. Benjamin, Whig lawyer and politician of St. Bernard parish, wanted him to run for the Governorship. There was also D. F. Kenner, candidate for the U. S. Senate in 1847, and Alexander C. Bullitt, of the staff of the *Picayune*, who was boosted for Lieutenant Governor.⁵²

The position of the Whigs in 1849 should have been a happy one, with the memory of their late victory fresh in memory. But many of the old "set fast" group, as distinguished from the young Whigs, were disappointed in Taylor's failure to reward some of his main supporters from their group in New Orleans by appointments to office. Too, the proposal to make the new administration paper, to be established in Washington by Bullitt and Sargent, a "non-committal," "no party" sheet, boded no good to the minds of the old Clay men, who began to talk of "bringing him on" again in 1852.⁵³

In the municipal elections, held in April, 1849, partyism was infused into the contests of the Second Municipality, but the position of candidates in the other municipalities was hardly distinguishable. This condition was regretted by the more thoughtful, who wished for the betterment of the city instead of a division of spoils among office seekers. Another source of regret was the control of elections by the officers of the city. A remedy suggested to lessen inter-meddling, was to make all corporation officers elective, by act of the Legislature. Meantime,

⁵¹*Weekly Delta*, December 10, 1849.

⁵²For discussion of these "prospects" see the *Weekly Delta*, December 11, 1848.

⁵³*Weekly Delta*, February 12, May 7, 1849.

it was desirable, some of the press believed, that officers should be prevented from meddling on election days, by enactment of some ordinance.⁵⁴

As the city elections came so soon after the Presidential contest, general apathy prevailed. Four members of the General Council were elected—all Democrats. But in the First Municipality, the Whigs elected three members to one of the Democrats to the General Council, and twelve of the seventeen aldermen. The whole Whig ticket for the General Council was chosen in the Second, the Council of that Municipality was composed of twelve Whigs to four Democrats.⁵⁵

Next came preparations for the Congressional elections, which were of more than ordinary interest. Of the four members in Congress, three were Democrats. But, the Whigs had carried the districts of these Democratic Congressmen at the Presidential election and now hoped to realize the same results for the Taylor candidates for Congress. The representative from the First District, La Sère, Democrat, was deemed invincible. Men of both parties of this District, which included New Orleans, below Canal Street, and the parishes of Plaquemines and St. Bernard, held him in extraordinary esteem. Yet the Whigs trusted that a more lucrative State office would entice him, and that they might run a Creole Whig for his place.⁵⁶

In the Second District, Thibodeaux, a Whig, had decided not to run again. This district was a Whig stronghold; a queer combination, however, of the sugar parishes below Iberville and of the Second Municipality of New Orleans. As it has been stated above, the Second Municipality's people consisted of laborers and tradesmen, while the other portion of the District was "planter." But, the Lafourchians controlled and elected their choice for Congress despite the population of fifty thousand of the Second Municipality. The previous election saw the Municipality attempt to nominate C. M. Conrad, but he was shelved by the Lafourchians for D. F. Kenner, who "lost by a Myles' length" against Slidell and Soulé in the late Senatorial election. Conrad and Kenner were formerly Jacksonian Democrats.⁵⁷ The Whigs of this district decided to support Preston W. Farrar, one of the "liberal" Whigs, who stood for popular measures and in opposi-

⁵⁴*Ibid.*, April 9, 1849. The police and rowdies were in the habit of storming up and down the streets on election days intimidating voters.

⁵⁵*Weekly Delta*, December 11, 1848.

⁵⁶*Ibid.*, May 7, 1849.

⁵⁷*Weekly Delta*. Conrad turned Whig on the Bank issue, and also opposed restoration of the fine imposed on Jackson.

tion to the idea that the "bourgeoise" were a good example for imitation by the "lower classes." Without political obligations, frank, courteous, he was considered a strong candidate by the opposition.⁵⁸ What was being planned by the Democrats of the Second District was not known, but, it was thought, if Thibodeaux should not seek re-election, that John C. Larue would be named.⁵⁹ Rumors were that Harmonson, Democrat, would decline the candidacy again for the Third Congressional District⁶⁰ and that Governor Johnson would be put forward.

Isaac E. Morse, a native Louisianian, who possessed the qualities of the Creole and the practicality of the northerner, was the Democratic candidate in the Fourth District. He had represented the District for several years. His opponent was O. N. Ogden, of the school of liberal Whiggery. Both men were able orators, debaters, and electioneers. Party politics were heated in this district and personal efforts meant much, because of the difficulties in travel, caused by swamps and bad roads. Morse hailed from St. Martin's, in the lower part of the district, where the Whigs were strong. The people of this portion of the district were mostly large sugar planters, conservatives and protectionists. To the west and northwest, the Democrats became increasingly stronger, until, when one reached the new parishes of the West on the borders, they were to be found almost "solid."⁶¹

The delegates to the Whig Convention, at Baton Rouge, were of two classes—the old Whigs, sometimes termed "setfasts", and the young Whigs or "liberals." The former found it hard to depart from their old party principles' doctrines, while the latter were more practical, vigorous, and energetic.⁶² The Whig State Convention, composed of approximately three hundred delegates, gave a large majority vote for General Declouet as nominee for Governor. It was then made unanimous. In the balloting, the ratio of representation was that of the Whig vote at the last Presidential election, with every hundred voters entitled to

⁵⁸*Ibid.*, May 14, 1849.

⁵⁹Larue was one of the editors of the *Crescent*.

⁶⁰The Third Congressional District centered around Baton Rouge, while the Fourth consisted of parishes to the North, West and Southwest of the Red River.

⁶¹*Weekly Delta*, May 28, 1849.

It was said that the suffragans of Louisiana in these Texas-border parishes found it "difficult to remember the boundry-line on election day." *Weekly Delta*, May 7, 1849.

⁶²The "young Whigs" supported the *Republic*, the new independent Taylor paper at Washington, edited by Bullitt and Sargent. Their paper in New Orleans was the *Orleanian*. The *Bulletin* was the local paper of the old Whigs. The *Bulletin* supported *The National Intelligencer*. *Weekly Delta*, June 25, 1849.

a vote, and every fraction above fifty an additional vote. Duncan F. Kenner was selected as nominee for Lieutenant-Governor.

Joel G. Sever submitted a resolution which produced surprise, excitement, and disruption of harmony. The resolution was to the effect that the present judiciary, which had been appointed by a Democratic administration, was so unfit in training and mentality, that the confidence of the people had been destroyed in the appointive system, "and that the election of the Judiciary by crats, meeting in Convention a few days previously, had declared for the same doctrine. Sever's idea was to adopt the same plank the people should be adopted as a Whig principle."⁶³ The Demo- but with the explanation, during the canvass, that it had been forced by bad appointments by a Democratic Governor of Democratic Judges. This plank was opposed by Kenner, because he did not care to antagonize "all the Judges in the State," although he favored the system of election.⁶⁴ The measure was defeated, which was virtually a repudiation of Sever's charges.

Issues were lacking. The Whigs did attempt, at first, to raise the problem of naturalization of foreigners as an issue, by showing that Declouet had opposed modification of the naturalization laws while a member of the Senate, and charging that the Democrats falsely quoted him as being opposed to emigration.⁶⁵ But this contest was only one for supremacy between the parties for power and pride of winning—and the spoils, perhaps. Banks and tariffs were obsolete as issues; the Wilmot Proviso could not be made a party question in Louisiana; while the subject of internal improvements divided the people only in certain localities.⁶⁶

According to the orators of the Democrats, the essential difference between the parties was that the Democratic party represented progress and the Whig party preferred to hold to present evils rather than try the dangers of reform and experiment. The motto of one, they stated, was "go ahead"—of the other "stability." An additional argument used by some of the Democratic orators in the rural districts was that one of the

⁶³*Weekly Delta*, May 21, 1849.

⁶⁴*Ibid.*

⁶⁵*Weekly Delta*, June 11, 1849.

⁶⁶*Ibid.*, October 15, 1849.

One paper of New Orleans proclaimed that the legislation of this State was a mass of errors. It directed criticisms at the sixty day sessions of the Legislature and the denial of State aid to internal improvements in New Orleans, though the city was heavily taxed to support improvements which went elsewhere. *Weekly Delta*, October 15, 1849.

aims of Democracy was to protect labor against the encroachments of money—"against the combinations of the wealthy." According to the same orator, the Whig party's chief aim and purpose was to accumulate wealth.⁶⁷

An absence of other excitement caused much interest in the gubernatorial campaign. Meetings, parades, club organizations, songs,⁶⁸ enlivened the campaign as the canvass neared its end. Some of the chief speakers for the Whigs were J. P. Benjamin, General Sparrow, Judge O. P. Jackson, Farrar, and General Declouet;⁶⁹ and for the Democrats, J. C. Beatty, A. Dimitry, W. R. Howard and R. M. Carter. The Chalmette Guards and the Fillmore Rangers paraded the streets nightly, hurrahing for their respective parties. Yet the campaign was conducted in good humor and there was a noticeable lack of bitterness.⁷⁰ Large crowds attended the ratification meetings, where nominees for the Legislature spoke and where bands and other organized groups caused much excitement.

⁶⁷*Weekly Delta*, June 18, 1840. J. C. Beatty, in speech at Carrollton.

⁶⁸A couple of verses from a campaign song of each party, respectively, ran thus:

Arouse! Arouse! Democracy!
And never show despondency—
Chorus: Fill the air with "three times three,"
And swear the Whigs shall long remember, (&c.)
The glorious fifth of next November.

Who can show a better man
Than our own *Billy Monaghan*?
The Whigs they surely never can—
So crowd along—fill up the van!
And swear the Whigs, &c.

The Ranger's Lament for Poor Old Joe.

Tune—"Old Uncle Ned."

There was an old horse, and they called him "Uncle Joe;"
He was owned by the Hunkers of the State;
His limbs were gouty, and his pace a *leetle* slow;
As a racer, he was only second-rate.

Take off the saddle from his back
Pull down the fodder from his rack; .
There is no more run in poor old Joe—
Turn him out to grass and let him go.

In his young days Joe had won a quarter-race,
So the old Hunkers thought they'd make a bet,
In a four-mile heat he'd keep his gallant pace,
And lick the Ranger colt, Declouet.

Take off the saddle, etc.

⁶⁹Candidate for representative to the legislature from the second representative district.

⁷⁰Joseph Walker, Democratic nominee for Governor.
Weekly Delta, October 22, September 24, 1849.

⁷¹*Weekly Delta*, June 18, 1849.

⁷²*Daily Picayune*, September 26, 1849; *Weekly Delta*, November 5, 1849.

The returns came in slowly. They showed that Declouet had secured gains for his party, over the vote for Taylor in 1848, in some of the country parishes, with particularly heavy majorities in St. Mary and St. Landry. But, Walker's gains in the northwestern parishes, over the votes for Cass, were considerable. Walker's majorities in the First and Third Districts exceeded Declouet's less than two hundred votes. The Fourth Congressional District was the chief battle ground of the contest. Walker carried Orleans parish, 5,317 to 5,070, which really gave him his victory. This parish had gone for Taylor by nearly 1,000 votes. Walker's majority in the State was 999.⁷¹

Candidates for Congress did not run evenly with the candidates for Governor. In the First District, where Walker received only less than 200 majority, La Sère, Democrat, won by 800 over Judge Jackson. Conrad (Whig) ran behind Declouet in the Second District, but was elected by over 400 majority. Harmonson's majority, in Third District, was only approximately 300, and votes for him numbered less than half those for Walker in some of the stronger Democratic parishes. Morse defeated Ogden by less than 300 majority in the Fourth District, though Ogden's vote was stronger in the western parishes than Declouet's. There were to be two Democrats and two Whigs in Congress.

In the legislative returns, the Whigs made good gains, electing members in some of the strongest Democratic parishes. This, in a measure, compensated the Whigs for the loss of the governorship, since they might possibly secure control on joint ballot. New apportionments were to be made by the next legislature and it was thought that some very pretty gerrymandering might result.⁷² Too, there were to be selected a treasurer, Speaker for the House, and a printer.

The Taylor Democrats had returned to the banners of Democracy. It was believed that some of them were disappointed in Taylor's failure to administer the government independent of a great deal of party influence or for other reasons. Some Whigs with little faith in the purity of motive of the Taylor Democrats insinuated that the lack of awards in patronage had embittered them. At any rate, they had aided in returning Democratic representatives to Congress.

⁷¹*Weekly Delta*, November 19, December 3, 1849.

⁷²*Weekly Delta*, November 19, December 3, 1849.

CHAPTER V

DISSENSION AMONG THE DEMOCRATS AND ACCEPTANCE OF THE COMPROMISE OF 1850

Political activity in Louisiana, 1850-1851, was mainly concerned with the threatened serious dissension among the Democrats over the Compromise of 1850, and the general acceptance of the Compromise by the State. The Conservative Democrats supported the Compromise—a Whig measure—for the sake of the Union.

On January 21, 1850, the Legislature met at the new seat of government, Baton Rouge, for the first time. Governor Johnson's message was largely confined to State affairs, but he warmly protested against the encroachments of the anti-slavery party, and congratulated the Legislature upon the union and harmony of the Southern States on this question. His successor, Governor Walker, paid much attention to this subject in his inaugural address. He did not believe that the Union was in immediate danger, but thought the North should be admonished against continued agitation which might endanger the Union. Should the anti-slavery agitation destroy the equality of the members of the Confederacy, then Louisiana should make common cause with her sister slaveholding States and declare the Union at an end. Although Louisiana was attached to the Union and he, himself, was personally devoted to it, submission on points of right could not be tolerated. In conclusion, the Governor recommended that the State join Mississippi in an expression of sentiments on the slavery issue, at the proposed Nashville Convention in June.¹

During the election of a Speaker of the House, the usual skirmishing among the parties occurred. E. W. Moise, Democrat from Plaquemines, and Joseph W. Walker, Whig from Vermilion, were the opposing candidates. On joint ballot, the Whigs numbered fifty-three to the forty-three of the Democrats. But, on the call of the roll, ten Whigs and one Democrat were absent,² leaving the Whigs with a majority of one. Yet two Whigs voted

¹*Weekly Delta*, February 4, 1850.

²The two Whigs voting with the Democrats were from Ouachita and Claiborne parishes. Other absent Whigs were from Lafourche, New Orleans, St. James, St. Martin, Sabine, and St. Mary.

against their party and Moise was elected by a majority of three votes. The *Picayune* reported that three Whigs deliberately dodged the election by walking out of the House when balloting began.³ When the balloting was completed they returned and took their seats. The same paper, the *Picayune*, characterized this strange occurrence as "a singular way of doing things." Furthermore, its correspondent continued, "the Whigs are a funny set, take them any way you please. The Democrats are too cute for them, and outwork them all hollow."

A subject of great local interest in New Orleans in 1850 was a proposal to consolidate the three municipalities under one city government. The Legislature had divided the city in 1836 in response to a memorial from the newer section, later the Second Municipality, which declared it had been ignored in its requests for its proper share in the wharves constructed and in street paving.⁴ The men who now proposed consolidation claimed to have two objects in view: first, to diminish the expenses of city government by combination; and, second, to improve the credit of the city.⁵ The act of 1836, which divided the city, provided that the apportionment of the city could only be changed by the assent of two-thirds of the votes of each of the three municipalities expressed by ballot.

The ancient and settled portion of the city, later the First and Third Municipalities, had been willing enough in 1836 to divide, because the newer portion, which became the Second Municipality, lacked population, resources, and the natural advantages that made it, then, an asset. It is true that some speculators fanned the prejudice of nationalism, in order to promote the division. The older part of the city was dubbed "France" and the newcomers to the other parts of the city were called "Americans."⁶ Left to itself, the Second Municipality had become the leading business section of the city, noted for its progressiveness, and now it manifested strong opposition to consolidation. The argument of these citizens was that if the weaknesses of resources were used against them in 1836, when they were allowed to go, then they, in turn, could now apply these arguments to the First and Third Municipalities. Moreover, there was prob-

³*Daily Picayune*, March 14, 1850.

⁴*Acts of the Twelfth Legislature*, Second Session, 1836, 28-33.

⁵*Daily Picayune*, February 10, 1850.

⁶*Weekly Delta*, January 27, 1851.

ably an actual superiority of capital in the First Municipality, which would immediately become productive, if the people there would only put it to use.⁷ It was suggested by some citizens of the Second Municipality that the other divisions of the city should select progressive business men for their municipal officers at the next election, make forward strides, and then apply for re-union with them.⁸

The *Picayune*⁹ opposed the proposition from the first. It argued that amalgamation would not necessarily result in economy to the entire city; and, that even if it did, independence, which had, during the past fourteen years, proved such an advantage to the second municipality, was worthy of retention at some extra cost. It also contended that the credit of the city could be as well promoted, with the three divisions of the city, as with all combined.¹⁰ The same journal pointed out that occasional clashes of interest between the parts of a consolidated city would result in "sectional champions," who would make the most of such imagined or actual conflict of interests to further their political ambitions.¹¹

As the election, which was to decide the question, approached, memorials opposing consolidation appeared. Consolidation was termed a "humbug" scheme, and its defeat was prophesied. The election was held on April 8, and the returns justified the prophecy. The First and Third Municipalities gave majorities for consolidation, but the majority against in the Second was large enough to outweigh both. The total vote was: 3246 for consolidation, 3502 against it.

The vote on consolidation was:

First Municipality

Total number of votes polled.....	2,075
Majority for consolidation.....	195

Second Municipality

Total number of votes polled.....	3,382
Majority against consolidation.....	1,208

⁷*Daily Picayune*, March 24, 1850.

⁸*Ibid.*

⁹It will be recalled that the editors were northern men who had adopted New Orleans as their home.

¹⁰*Daily Picayune*, February 10, 1850.

¹¹*Ibid.*, February 15, 1850.

Third Municipality

Total number of votes polled	1,291
Majority for consolidation	757 ¹²

The opposition to consolidation now affirmed that the question was definitely decided and that there was no prospect of any reversal of judgment. *The Daily Picayune* of April 9th dismissed the subject with "a regular election is at hand. Let us give over this foolish talk about a change of the form of government, and make the best of what we have." But this topic was not decided, and it was to be revived soon by newspapers from the same section—near Canal Street—in which the *Picayune* was located.¹³

By the latter part of March, the public was settled in mind that there would be no change in the form of city government for the year. Many who would have favored consolidation were alienated by the requirement that a new charter, which contained many obvious defects, and consolidation were blended and had to be taken together or rejected. Too, some objected to the mode of management of the city debts and the revenue under the new law.¹⁴ With such important affairs to be dealt with, many felt that party considerations should not enter into the election of municipal officers; that the best men should be elected. A political calm prevailed at this time and it was hoped that a good selection of municipal officials would, therefore, result.¹⁵

The mayor and the second district attorney were to be elected by the whole vote of the city. The local offices to be filled were recorder, treasurer, comptroller, surveyor, captain of the watch, aldermen, etc.—eleven in all. Returns gave the Whigs all the members of the General Council, nine of sixteen aldermen, recorders in the First and Third Municipalities, and the mayoralty. Crossman, the Whig candidate for mayor, won over his opponent, Bell, by a majority of 532.¹⁶

The second great factor in the politics of Louisiana in 1850 was the Compromise Bill in Congress. On February 20, the Senate of the Louisiana Legislature had adopted by a vote of

¹²*Daily Picayune*, April 9, 1850.

¹³The *Picayune* was at 66 Camp Street, just off and south of Canal Street.

¹⁴This recent law of the Legislature made several officials, heretofore appointed by the city councils, elective by the people, and created some new ones.

¹⁵*Daily Picayune*, March 29, 1850.

¹⁶*Daily Picayune*, April 24, 25, 26, 1850.

26 to 1 the so-called "Slavery Resolutions" which recommended that each parish send a representative to the Nashville convention, "and resolved that, should Congress inhibit slavery in the Territories, abolish it in the District of Columbia, or restrict its intercourse between the States, Louisiana would resist it to the last extremity,"¹⁷ and if Congress should pass the Wilmot Proviso, or abolish slavery in the District of Columbia, the Governor would convene the Legislature to discuss action on the emergency.

Governor Johnson's final annual message to the Legislature, January, 1850, recommended that Louisiana participate in the "Southern Convention" to be held at Nashville in June.¹⁸ The Memphis Convention, which had been held in 1845, had been largely ignored by the people, as they feared that sectional jealousies might result. Governor Walker, inaugurated in February, suggested that Louisiana act with Mississippi in repelling the encroachments of the anti-slavery interests.¹⁹ The *Bulletin* immediately opposed the suggestion, on the grounds that sectional agitators would compose, in great part, the convention and increased sectional antagonism between North and South would result. Other journals pointed out that this was a good reason why Louisiana should be represented; that her weight could be, in necessity, thrown into the scale of the Union.²⁰ Some of the most influential members of the Legislature opposed sending delegates, the Whigs and Democrats were to be found on both sides.²¹ But the House never voted on the resolutions passed by the Senate favoring sending delegates to Nashville.²² Meanwhile, the opposing press declared that the real object of the Convention was "disunion."²³ Still the friends of the Convention never denied that its main object was to enable the South to agree upon some plan of resistance to "northern fanaticism."²⁴

In Louisiana, both before and after his speech in March, Calhoun's influence was considered, by the Conservatives, as dangerous to the Union. The Whig press was not sparing in its denunciation of the South Carolinians, nor in defense of Clay's

¹⁷Words of *Weekly Delta*, October 7, 1850. For the resolutions see the *Weekly Delta*, April 8, 1850.

¹⁸*Weekly Delta*, January 23, 1850.

¹⁹*Weekly Delta*, February 4, 1850.

²⁰*Ibid.*

²¹*The Daily True Delta*, New Orleans, February 21, 1850.

²²*The Daily Picayune*, March 24, 1850; *Weekly Delta*, October 7, 1850.

²³*The Daily Picayune*, February 1, 1850; *Bulletin*, quoted in *Weekly Delta*, February 25, March 11, 1850.

²⁴*Ibid.*, June 24, 1850.

Omnibus Bill, nor in comparison of the positions of the Louisiana Senators on the measures of the Bill. Senator Downs had been the first Senator to speak for the Bill. His colleague, Soulé, followed immediately with a very brilliant speech expressing dissatisfaction with the bill. Still, his most charitable critics, from both parties, trusted that in the end the bill would gain his vote, and perhaps his approval.²⁵ Soulé had contended for the extension of the Missouri Compromise line to the coast, and when voted down, helped to lead the opposition to the Compromise measures. When the vote was taken on the admission of California, Soulé voted against the bill and Downs did not vote. La Sère, Morse, Conrad, and Harmonson, in the House, were against it. From this it might be inferred that the Louisiana delegation, Senator Downs excepted, was opposed to any concession whatever of Southern rights. A suggestion, therefore, that parish meetings be held to discuss these subjects, met with the hearty approval of the citizens of the State.²⁶ Much discussion and some agitation arose throughout the State in regard to the position of members of Congress from Louisiana, on the Bill.

Eleven residents of Bienville parish addressed an anonymous letter to Senator Downs, censuring his support of the Compromise and inviting him home for consultation on the sentiment of their section. These men were emigrants from South Carolina and Georgia, who subscribed to the papers of their old States and admitted that they were influenced to an extent by political information derived therefrom. Through the columns of the *Southern Express*, the medium adopted by these correspondents, Downs defended his action in thorough-going Unionist manner and not without much sarcasm.²⁷

There was newspaper controversy between the *Delta*, on the one hand, and some of the other leading papers in New Orleans, as to whether the State was in favor of or opposed to the Compromise Bill. The *Bulletin* professed to believe that not three hundred persons in the State were opposed to it. All organs admitted that the city population, which always opposed agitation of the slavery question, favored the measure. The interests of trade, for one thing, caused New Orleanians to desire

²⁵*Daily Picayune*, May 23, 1850.

²⁶*Weekly Delta*, September 25, October 7, 1850.

²⁷*Daily Picayune*, August 9, 1850. Naturally these "emigrants" of the pine woods who took "Rhett and his fellow-disunionists as their leaders and oracles" came in for scathing criticism from the Whig press.

the repression of such exciting topics.²⁸ But the New Orleans population constituted only one-fourth of that of the State. The *Delta* claimed that results of inquiry through its vast country circulation warranted the opinion that the country people opposed the Compromise Bill.²⁹ This opposition was based on the conviction that the Bill offered merely a temporary relief and was, therefore, inadequate.

The only meeting of any importance recorded which expressed opposition to the Compromise was held at Mt. Lebanon, Bienville parish, northwestern Louisiana, on September 14. Citizens of Bossier, Claiborne, Jackson, and Union parishes also attended the meeting. Reverend Dr. Scott, of Jackson Parish, took the view of the extremists on the Clay measures and declared that the South should stand for the extension of the 36° 30' parallel or she would be overwhelmed by the North. He could not understand why Louisiana was so inert. Resolutions were adopted which opposed the Compromise, rejoiced over the failure of the Omnibus bill, eulogized the Union, approved of the acts of the Nashville Convention, and advocated the extension of the line 36° 30' to the Pacific. But some speakers favored acceptance of the Compromise.³⁰

To the *Delta* it appeared that there were two ultra parties: one advocated disunion as a desirable and expedient measure; the other, equally reprehensible, calumniated all who professed a greater zeal for Southern rights than themselves as "disunionists." This last group classed all who voted against Clay's bill as disunionists. Both classes were troublesome agitators.³¹

Despite this defense or criticism by the press of the respective positions of Downs and Soulé, it seems evident that the people as a whole were not profoundly agitated.³² Viewing the compromise proposals as primarily a Whig program, the Whig press, which predominated in the city, naturally supported them and censured Soulé. The Democratic press of the State tended to the same side, and could go in that direction with the more grace because Downs was a Democrat. The Democrats, therefore, tended to division, the conservatives with Downs, the ultras with

²⁸*Weekly Delta*, August 19, 1850.

²⁹*Ibid.*

³⁰*Weekly Delta*, September 30, 1850.

³¹*Ibid.*, September 16, 1850.

³²*The Daily Picayune*, October 31, 1850.

Soulé. It was declared by some of the city papers that Soulé's course on the Bill was as unpopular with the Democrats as with the Whigs, though it was admitted that those who censured him would quickly rally to his support on all matters involving their political faith.³³

Knowledge of the situation at home embittered Soulé, and he indulged in rebukes of certain of the Louisiana press. He met his constituents, upon his return, with a defiant attitude and was vindictive toward his opponents. A controversy arose between him and a number of his constituents which threatened to terminate in a serious breach in the party ranks. After a speech, made on Canal Street, Soulé's remarks were misquoted and perverted by some of the local press. Whereupon, a group of the Democrats addressed him a letter which contained two queries: first, whether Soulé favored the secession of Louisiana from the Union, "now or hereafter," because of the passage of the Compromise measures; and second, whether, for the same reason, he favored establishing a southern confederacy.³⁴

Seventy-nine Democratic signatures were attached to the letter; but many who were approached and asked for their signatures refused to sign it. Other Democrats denounced it as a plot of the Whigs to divide the local organization.³⁵ Soulé replied to the letter in a manner which was considered by those involved

³³*The Bee*, October 26, 1850.

³⁴The letter read:

(October 26, 1850)

Dear Sir:

Great excitement prevails at the South and at the North, the result of the recent legislation of Congress. This excitement has progressed so far in several of the Southern States, that a dissolution of the Union is openly advocated. The undersigned, a portion of your constituents and members of the Democratic party desire to know from you and your colleague in the Senate, Mr. Downs, respectively, your views on this important subject. Permit us, therefore, to request your reply to the following questions in a manner so distinct as to place beyond doubt or cavil the position you occupy. You will understand us, we trust, as making these inquiries of you in no spirit of unkindness, but with the single view to a fair and proper comprehension of your opinions, and in the exercise of what we regard as a right, which will be at once recognized and conceded by you.

Are you in favor of a dissolution of the Union, now or hereafter because of the legislation at the late session of Congress?

Are you in favor of the establishment of a Southern Confederacy, now or hereafter, because of the legislation of the late session of Congress?

Are you in favor of a secession of the State of Louisiana from the Union, now or hereafter, because of the legislation of the late session of Congress?

J. L. Larue,
John M. Bell, (et al.)

Weekly Delta, November 4, 1850.

³⁵*Weekly Delta*, November 4, 1850.

as discourteous and unsatisfactory.³⁶ Two factions of Democrats were thus arrayed; one, composed of the ultra Democrats, supporting Soulé, and the conservatives including most of the old party leaders, who wished to smooth agitation down. This last group was accused by the ultras of playing for the next elections.³⁷ Some Democrats who had voted for Soulé in the past, waxed hot in their declarations that Soulé had exceeded his privileges in forgetting that Louisiana's diversity of interests would not admit of secession.³⁸

The effect of the criticism was to widen the breach between the two factions. The Democratic opponents of Soulé did not fail to contrast the course of the two senators: Soulé had made inflammatory, disunion addresses; Downs was equally faithful to the South and yet accepted the decision of Congress.³⁹ Meanwhile, Downs undoubtedly added to the approbation of his course by a

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New Orleans, Oct. 30, 1850.

Gentlemen—

I acknowledge the receipt of a communication which you caused to be placed in my hands on yesterday, and which, I find, is the same which has been hawked about in the streets of New Orleans for six entire days, that it might obtain the endorsement of the seventy* names affixed to it.

Here is my answer:

Whenever the grave matters so flippantly alluded to in that paper shall come before me in the only shape that can reach my official responsibilities to the State and people of Louisiana, depend upon it, they will be met with a spirit not unworthy of the high station which I occupy, and of the duties which I owe to the great interests confided to my protection and guardianship. But as I can regard you neither as the organs of that people and State, nor indeed as the echoes of the party to which you say you belong; as I ask neither your applause nor your support, you will pardon me for taking no other notice of the queries which you have propounded to me, than by assuring you that I am not to be moved out of that propriety which becomes a public man, and above all, an American Senator, by the tricks of five or six disorganizers, who, for some time past, have been moving every rubbish they could lay their feet upon, to kick it at me, and can have no object but to distract and divide the Democratic party, that they may build to themselves upon its ruin, an importance which they know but too well they cannot secure as long as it stands by its principles and remains united.

Yours respectfully,

Pierre Soulé.

Messrs. W. W. King, Chas. S. Reese, John C. Larue.

*There were seventy-nine names.

Weekly Delta, November 4, 1850.³⁶*Weekly Delta*, November 4, 1850.³⁷*Ibid.*, November 11, 1850.

³⁸*Weekly Picayune*, New Orleans, November 11, 1850. This newspaper disclaimed any interest in the party aspects of the quarrel between Soulé and his friends.

prompt and courteous reply to the letter addressed to him, in which he unequivocally opposed disunion.⁴⁰

The *Picayune* seemed to derive great pleasure from badgering Soulé, claiming that he was answerable to the Whigs, whose votes had assisted in his election, and, as the editors of this paper were northern born, in censuring his attack upon "Yankee influence in Louisiana."⁴¹

There was evidence, however, that Soulé was not without a following. An address was made to Soulé and signed by 700 citizens of New Orleans approving his course in Congress in reference to the late Compromise. This was interpreted by his sympathizers to mean that the "permanent" population of the city would stand with the rest of the South against Northern aggression.⁴² Letters appeared in the press denying that the Compromise was any compromise at all, but terming it, instead, a great "evil upon the South."⁴³ Soulé, in an effort to justify his position, commented on correspondence appearing in the *Courier* between two prominent Democrats, to the effect that he merely wished to warn against continued aggressions on the part of the North, and that he was for a "Union of Sovereigns in a Confederacy of Equals." But these explanations did not satisfy his critics who clamored for a more direct avowal on the subjects of resistance and secession.⁴⁴

"Union Meetings" were now called at various places in the city to demonstrate the attachment of New Orleans to the Union. But the opponents of the Compromise contended that the meetings were not so much in the interests of the Union as they were to

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Monroe, La., November 2, 1850.

Gentlemen:

I have this moment received your letter of the 26th ult., propounding to me the three following interrogatories:

And fully recognizing your right, as a portion of my constituents, to do so, I answer, unhesitatingly, to each and all of them, decidedly "No."

My late Mobile letter, to which I refer you, contains my views on these points more at large.

Respectfully, your obedient servant,

S. W. Downs.

Messrs. P. K. Wagner, J. C. Larue, M. M. Reynolds, J. M. Bell, W. W. King, and others.

Weekly Delta, November 11, 1850.

"Soulé made contemptuous remarks about "aliens," in a hasty speech to serenaders one evening. After this speech, Yankees and Yankee enterprises were toasted at dinners where a majority of those present were native born.

Weekly Picayune, November 11, 1850.

⁴²*Weekly Delta*, November 18, 1850.

⁴³*Weekly Delta*, November 18, 1850. These letters were by Soulé's friends, of course.

⁴⁴*Weekly Picayune*, November 25, 1850.

unite friends of the Compromise. Proof of this statement was given by showing that the Democratic officers selected were taken from the interrogators of Soulé; that Downs was to address the meeting, and that he and General Foote were to be invited by a committee selected from these same interrogators. Opponents of the Compromise repeated the charge that "the seventy" and the Whigs were allied.⁴⁵

A final "Union Meeting", held at the St. Charles, passed resolutions pledging the aid of Louisiana in the execution of the Compromise laws and thanking Senators Downs and Foote for their services in the cause of peace and the Union.

A "Great Southern Constitutional Mass Meeting" of the Democracy from Algiers, Lafayette, and New Orleans, was held at the St. Louis Exchange on the evening of December 1. An immense crowd overflowed the place of meeting. Soulé addressed the audience and read from the *Globe* of January 29, 1850, to prove that Senator Downs had spoken against the Compromise when it was first brought forward.⁴⁶ Resolutions were unanimously adopted approving the course of Soulé, La Sère, Morse, and Harmonson on the Compromise Bill. Now, it was the turn of the pro-Compromise advocates to inquire as to the object of the meeting of the Democrats. If it was for the purpose of opposing the Compromise, it was too late, they said. But if it was a Union meeting, then why hold a second meeting of this type, it was asked. Should it be said that the meeting was for the purpose of strengthening the Union, then why call it Democratic?"⁴⁷

When Soulé saw fit to declare that his opposition to the Compromise did not indicate that he was hostile to the Union, he was clearly on the defensive. If Soulé had in mind making the matter a party issue, he failed to do so, although it seems that he tried.⁴⁸ Many Louisianians now held that the "Georgia platform," which accepted the Compromise but declared that beyond certain points it would not go and affirmed the right of secession, should be accepted as a firm foundation upon which to stand.⁴⁹ It is interesting to notice that Slidell's private corre-

⁴⁵*Weekly Picayune*, November 25, 1850. There were actually seventy-nine names.

⁴⁶*Ibid.*

⁴⁷*Weekly Picayune*, December 2, 1850.

⁴⁸*Daily True Delta*, December 1, 1850.

⁴⁹*Daily True Delta*, December 21, 1850

spondence to his friend Buchanan shows that he accepted the Compromise, but that he feared that Soulé's position would drive Louisiana "into the hands of the Whigs."⁵⁰

As the year drew to a close, three rather interesting political movements were to assert themselves: first, the Whig party of the State decided to stand for "no change in legislation;"⁵¹ second, there was a disposition to revive the old principle of native Americanism; third, the Democrats met in general convention at Baton Rouge to adjust their differences.⁵²

Although it was thought that the year would be one in which partisan politics, as such, would not be in evidence, a vacancy in the office of representative to Congress from the second district gave employment to the politicians and an unexpected season of zest to the people. President Fillmore had appointed the member of Congress from this district, C. M. Conrad, to the post of Secretary of War.⁵³ A special election before the adjournment of the present session of Congress was, therefore, considered desirable. T. G. Hunt, Whig, had announced his candidacy soon after the news of the vacancy arrived.⁵⁴ Two parish meetings, held for the purpose of selecting delegates to a Whig Convention to choose a candidate for the party, adopted resolutions censuring disunion agitation, thanking Conrad for his services, complimenting Henry Clay and Senator Downs, and denouncing Soulé.⁵⁵

The Whig Congressional Convention met at Donaldsonville on September 10th. A warm discussion ensued as to the ratio of voting in the Convention. Colonel Walton proposed the basis of Whig votes adopted previously at the Whig Convention at Baton Rouge—one vote for every one hundred Whig votes and one for every fraction above fifty. Kenner, of Ascension parish, suggested the legislative basis—the number of delegates from each parish should be equal to their Senators and Representatives. It was seen that Colonel Walton's plan would have allowed the city and Jefferson parish to control the Convention; under the second plan, the country would carry everything.

⁵⁰Slidell to Buchanan, New Orleans, December 16, 1850, quoted by Sears, in *John Slidell*, 84.

⁵¹*Bee*, December 8, 1850.

⁵²*Weekly Delta*, December 16, 30, 1850.

⁵³The Whigs applauded this act as a reward and recognition of their loyalty to the Union.

⁵⁴*Daily Picayune*, August 13, 1850.

⁵⁵*Daily Picayune*, September 1, 1850.

Debates were earnest and warm. The country delegates claimed they must have their plan to protect themselves from the city, while Walton and Randall Hunt reminded all present that the popular basis of Whig votes had been settled upon by the party in the Whig Convention at Baton Rouge. In the vote which followed, the country members outnumbered those from the city and won their point. The dismay of the city members was somewhat alleviated by assurances of the country members that the city delegates might choose the nominee. It was known that the city had united solidly on T. G. Hunt.

There were five nominations made. The first ballot gave "Hunt, 14; Landry, 8; Bullard, 8; Cage, 2; blank, 3." A recess was moved, and the city members expended it in appeals to the country members to redeem their pledge. But the next ballot gave Hunt, 14; Judge Bullard, 18; and three blanks. Randall Hunt pledged the city delegates to support the nominee, but expressed his mortification at the result.⁵⁶ A meeting of the Democrats at the Louisiana Hotel showed that the Democrats were not unified, because of the distrust of the old time Democrats for the "Independent Taylor men." Jacob Barker offered resolutions in favor of the Union and the Compromise, but they were laid on the table until the next meeting.⁵⁷ Barker also opposed resolutions supporting Ex-Governor Henry Johnson, holding that they should reserve their support for the nominee selected by the regular Convention. Many Democrats, who were opposed to any party nomination, were willing to support Johnson. His name was offered by a Whig in the Whig Convention but received no second, largely because he had alienated many prominent men of this party, among the sugar planters, when he advocated the annexation of Texas.⁵⁸ This treatment at the hands of the Whigs, attracted to him more of the Democracy, who had thought of voting for Judge Bullard, regular nominee of the Whig Convention. The "adjourned meeting" from the Louisiana Hotel of the Democracy met on September 15. They adjourned uncommitted on the Compromise question.⁵⁹

Johnson had not been consulted by the Democrats, as no regular Democratic Convention had been held as usual, and.

⁵⁶*Weekly Delta*, September 15, 1850.

⁵⁷*Weekly Delta*, September 9, 1850.

⁵⁸*Ibid.*, September 16, 1850.

⁵⁹*Ibid.*

therefore, no regular vote of nomination had been made for him.⁶⁰ On October 3, the *Daily Picayune* carried a dispatch from Johnson to the effect that he declined to permit himself to be considered as a candidate for Congress. But the dispatch was received too late to affect the election.

Early returns from the election, which was held on September 30, showed that Johnson was receiving many Whig votes, but that the total vote polled was small. Bullard's majority in the District was over 400 votes. In the Second Municipality the vote was only one-third of its usual size. Naturally the Democrats, having no regular party candidate, were not expected to turn out. But the Whig lukewarmness was accounted for by some three reasons: first, the city delegation had been unfairly treated at Donaldsonville on the basis of voting; second, the country parishes selected a candidate that had not even been considered by the city delegation; third, Judge Bullard denounced attempts to liberate Cuba—a matter of growing sentiment in New Orleans.⁶¹

The elections in the State in 1851 possessed unusual interest and importance to the people because of the important measures with which State officials were to deal, such as the amendment of the Constitution, consolidation of the municipalities, election of all officers by the people, and remodeling of the corporation laws.⁶²

Much office seeking was in evidence, but despite this fact, a dearth of candidates for Congressional seats existed as late as

⁶⁰*Daily Picayune*, September 29, 1850.

⁶¹*Weekly Delta*, September 15, 1850.

The official returns of the election as given by the *Weekly Delta* of October 14, were:

	Majorities	
	Johnson	Bullard
Second Municipality and Algiers.....	100	
Jefferson	132	
St. Charles (not received).....		49
St. Jean Baptist.....		101
St. James	69	
Ascension		133
Assumption		303
Lafourche Interior		83
Terrebonne		
Total	301	669

Majority for Bullard, 268.

The majority in St. Charles is stated to be 46 for Bullard; this would increase the majority of the latter to over 400.

⁶²*Weekly Delta*, May 5, 1851.

the 25th of June. For the minor officers, aspirants were legion.⁶³ But by the 30th of the same month, Colonel T. G. Hunt and I. N. Marks, both influential Whigs, had announced as candidates for Congress in the Second District. Colonel Hunt, as seen above, had been defeated for the nomination in the Whig Conventions the previous summer. Marks was an ex-alderman, who had been defeated at the April election.⁶⁴ The press of the city was divided on the support of these men.⁶⁵

After two mass meetings marked by great disorder on the part of the rival factions of Hunt and Marks, these two candidates withdrew from the contest for the nomination for the sake of harmony, probably realizing that neither could be chosen. Two new candidates from the city, S. J. Peters, well-known business man, and A. C. Bullitt, Mexican War veteran and one of the editors of the *Picayune*, had announced themselves candidates for the nomination,⁶⁶ but at the convention, which met at Donaldsonville on the 11th of August, only two names were presented as candidates for the nomination. These were A. Treaudeau, of Jefferson, and J. A. Landry, of Assumption. The name of Treaudeau was subsequently withdrawn and Landry unanimously acclaimed the candidate. The basis of voting in convention caused some differences of opinion,⁶⁷ as before, but the country delegates finally conceded the voting basis when those of the city strongly contended for it.⁶⁸ The Democrats had previously nominated Winder, who was a last-minute candidate.

In the first congressional district La Sère, Democrat, had declined re-nomination and four men were prominently mentioned to succeed him.⁶⁹ They were J. M. Kennedy, William Dunbar, Louis St. Martin, and Charles Bienvenu. At the Democratic Convention on August 17, at New Orleans, Louis St. Martin received a majority of the votes and was declared the Democratic nominee to represent the First Congressional District.⁷⁰ St. Martin was charged with being a disunionist, but replied that he accepted the Compromise as a final settlement of the slavery

⁶³*Weekly Delta*, June 23, 1851.

⁶⁴*Ibid.*, June 30, 1851.

⁶⁵*Ibid.*

⁶⁶*Weekly Delta*, July 21, 1851.

⁶⁷One for every 100 Whig voters, as exhibited in Whig votes of the general election.

⁶⁸*Weekly Delta*, August 18, 1851; *Weekly Picayune*, August 18, 1851.

⁶⁹*Weekly Delta*, July 21, 1851.

⁷⁰*The Weekly Picayune*, August 18, 1851.

St. Martin was a Creole and a favorite with those people.

issues in Congress and would oppose its repeal or modification. So, opposition to the Compromise was, as a practical issue, abandoned in the First District. The *Picayune*⁷¹ thought that it was unlikely that the Compromise topic, as an issue in the campaign, would arise.

The Compromise, though not an issue in the first and second districts, was warmly debated in the third and fourth which were Democratic strongholds. Here the ultra-Southern rights men affected to regard the union movement, in general, as the work of politicians. They asserted, too, that the Compromise had proved a deplorable "failure"⁷² and that some of the Whig journals of the city admitted it.⁷³

Senator Downs spoke on June 17th at a barbecue in Catahoula, in the third district, and defended his position in Congress on the Compromise. He stated that he had sought, secured, and followed the advice of the Legislature, and other constituted authorities of public opinion before acting in Congress. He declared that if he was forced to a choice between Democracy and the Union, which had been done in Georgia and Mississippi, he would prefer the Union.⁷⁴

The Democratic Convention of the third congressional district met at Baton Rouge on July 20th. Each parish was allowed one vote for every one hundred Democratic votes, as a basis of voting. A. G. Penn, of St. Tammany, and Judge Alonzo Snyder, of Carroll, were placed in nomination for the candidacy. Penn was elected.⁷⁵ The Whigs nominated R. A. Upton, who stated that he would be unable, in the short time of six weeks, to canvass the whole District.⁷⁶

At a meeting of the Democratic party, at Washington, St. Landry parish, General Gilbert, of Caddo, Colonel Wm. B. Lewis, of St. Landry, and H. Phillips, of De Soto, were named as suitable candidates to place before the fourth district convention to be held at Alexandria. The delegates from this parish were instructed to vote for any of these three. A resolution was offered, which expressed confidence in the patriotism and ability of I. E. Morse, the incumbent from the Fourth District in Congress,

⁷¹September 15, 1851.

⁷²*Weekly Delta*, May 12, 1851.

⁷³*Ibid.*, May 26, 1851.

⁷⁴*Weekly Delta*, June 23, 1851.

⁷⁵*Weekly Delta*, July 21, 1851.

⁷⁶*Weekly Picayune*, September 29, 1851.

and which approved of his course on the Compromise Bill. The resolution was defeated.⁷⁷ The Whigs nominated Moore, of St. Mary, ex-Representative from this district who had once been defeated by Morse.

On September 16, Soulé spoke at a political barbecue at Opelousas, in the fourth district, and dwelt upon the injustice and oppression to the South of the Compromise measures. As for himself, he was "enduring" but not "submissive,"⁷⁸ and he wished to sound the alarm of the danger which he saw confronting the South. In the opinion of one Democratic journal,⁷⁹ such sentiments or remarks did not warrant the charges of "disunionism" against him, but others⁸⁰ asserted that he was blindly furious in his opposition to the Compromise. "His disappointments appear to have deprived him of all government over his temper, and he is reduced, in lieu of a fair argument with an opponent, to the use of disparaging epithets."⁸¹ Whigs in the other Districts criticised Soulé's speech and cried shame upon the speaker.⁸²

This speech of Soulé's at Opelousas was replied to by Christian Roselius, a Whig, who was there in attendance on the Supreme Court. Roselius stressed the usual Whig arguments for accepting the Compromise measures.

The observation had been made in the month of July, that the two great parties were about evenly divided in the State. But in the early summer little popular interest was manifested in the campaigns, and neither party did much to arouse the public. Disagreements in its ranks would only strengthen the chances of victory for the Whigs, so the Democratic party had been chary of pledges and platforms. The Democrats were divided on the Compromise question, and they feared to let it become an issue.⁸³ The Whigs, on the other hand, had held parish meetings in which resolutions were adopted favoring the Compromise of 1850, Millard Fillmore, Ex-Representative Moore to succeed Morse from the fourth district in Congress, internal improvements, amending the State Constitution, making judges elective, and free banking.⁸⁴

⁷⁷*Ibid.*, July 28, 1851.

⁷⁸Words of speech quoted in *Weekly Delta*, October 6, 1851.

⁷⁹*Weekly Delta*, October 6, 1851.

⁸⁰*Weekly Picayune*, September 22, 1851.

⁸¹*Ibid.*

⁸²*Weekly Picayune*, September 29, 1851.

⁸³*Weekly Delta*, July 28, 1851.

⁸⁴*Weekly Picayune*, August 4, 1851.

Parties in Louisiana seemed disposed to await the result upon issues in other States before stressing them at home. The campaign lagged. The question of "Union or Disunion" in Georgia, for example, was termed the work of "demagogues."⁸⁵ As late as September in only the second district was there a real fight.⁸⁶ But in that district, of which New Orleans was a part, there was plenty of excitement—in fact, of considerable ill feeling as a result of clashes at political meetings.⁸⁷ The customary flags, banners, torches, transparencies, music, and speeches were used to stimulate interest at the mass meeting. Among the planks of the Whig platform, as set forth by G. B. Duncan in a speech on the night of October 26, were: liberalizing of the State Constitution, remedying laws on corporations to make them less stringent, and reducing the qualifications of the suffrage law on two year resident requirement. He promised that the election of Messrs. Robb and Benjamin to the State Senate would result in the accomplishment of the first, in particular.⁸⁸

None of the old party issues which had so long distinguished Whigs and Democrats, were brought to the front in this campaign. The Whigs, knowing that the Constitution was unpopular, favored a convention to remodel the whole instrument. The Democrats favored reforms, but were not a unit on "manner and measure of amendment" to the Constitution.⁸⁹ The Whigs seized upon the very measures that the *Delta*, for instance, had advocated for two years as "progressive and democratic," and hundreds of Democrats voted the Whig ticket for this reason. One Democratic organ of the city remarked that "the Democrats, to succeed, had better stand by their old usages and platforms, and old leaders,"⁹⁰ As the same journal afterwards expressed it, "the Democrats beat the Whigs two to one in all their processions, and yet were badly beaten in the election."⁹¹

Official returns from the election, which was held on November 3, gave the Whigs a victory in New Orleans and over the state, in general. In the city the Whigs elected the sheriff, two

⁸⁵*Weekly Delta*, October 13, 1851.

⁸⁶*Ibid.*, September 1, 1851.

⁸⁷*Weekly Picayune*, October 20, 1851.

⁸⁸*Weekly Delta*, October 27, 1851.

⁸⁹*Daily Picayune*, November 2, 1851.

⁹⁰*Weekly Delta*, November 10, 1851.

The Democrats seemed to have used processions, anecdotes, and ridicule without realizing the value of the platform of the opposition.

⁹¹*Ibid.* This journal hoped the death-blow had been given to torch light processions. Give issues—not parades—it stated.

state senators—Benjamin and Robb—and eighteen members of the state house of representatives; the Democrats: coroner, and seven representatives. A Whig majority in the next Legislature⁹² was now assured. This victory and control of the Assembly was probably no surprise to the Democrats, as Slidell had privately forecast success for the Whigs, as early as May.⁹³ The Democrats elected their Congressmen, St. Martin and Penn, in the First and Third Districts, and the Whigs carried the Second and Fourth Districts for Landry and Moore, respectively. The Legislature was to stand: Senate—17 Whigs, 15 Democrats; House—56 Whigs, 40 Democrats, with 1 to be heard from. On joint ballot, the Whigs had, therefore, a majority of at least 18.⁹⁴

The relations of parties and the prospects of candidates for the federal Senate were changed by the election. The Whigs had gained in the city but had fallen off in the country. This fact gave the city delegation a commanding position in the party. The opinion was expressed⁹⁵ that the city delegates might control the choice of the Senatorial candidate, if they would keep out of caucus. A caucus, it was said, would arouse the old prejudice of the country delegates, who would center on a man from the rural districts.

Before the result in New Orleans was known, D. F. Kenner was considered the strongest candidate for the Whig Senatorial nomination if the caucus system was used, but now it was believed that Randall Hunt, who could carry some of the rural delegates, had the better chance. It was suggested⁹⁶ that should the contest become warm, there might be a compromise on Benjamin. Meanwhile, the Democratic friends of Downs had not conceded that he had no chance to retain his seat. It was admitted that his attitude had cost him many votes over the State from the Southern Rights group and which held him responsible for the Whig majorities in the Ouachita and Red River parishes. As Downs had so prominently participated in what was known as the Union movement, legislators elect who belonged to the Southern Rights party could hardly be expected to support him.⁹⁷

⁹²*Daily Picayune*, November 5, 1851.

⁹³Slidell to Buchanan, New Orleans, May 9, 1851, quoted in Sear's *John Slidell*, 85.

⁹⁴For returns on Congress, Legislature, etc., see *Weekly Delta*, November 24, 1851.

⁹⁵*Weekly Delta*, November 24, 1851.

⁹⁶*Ibid.*

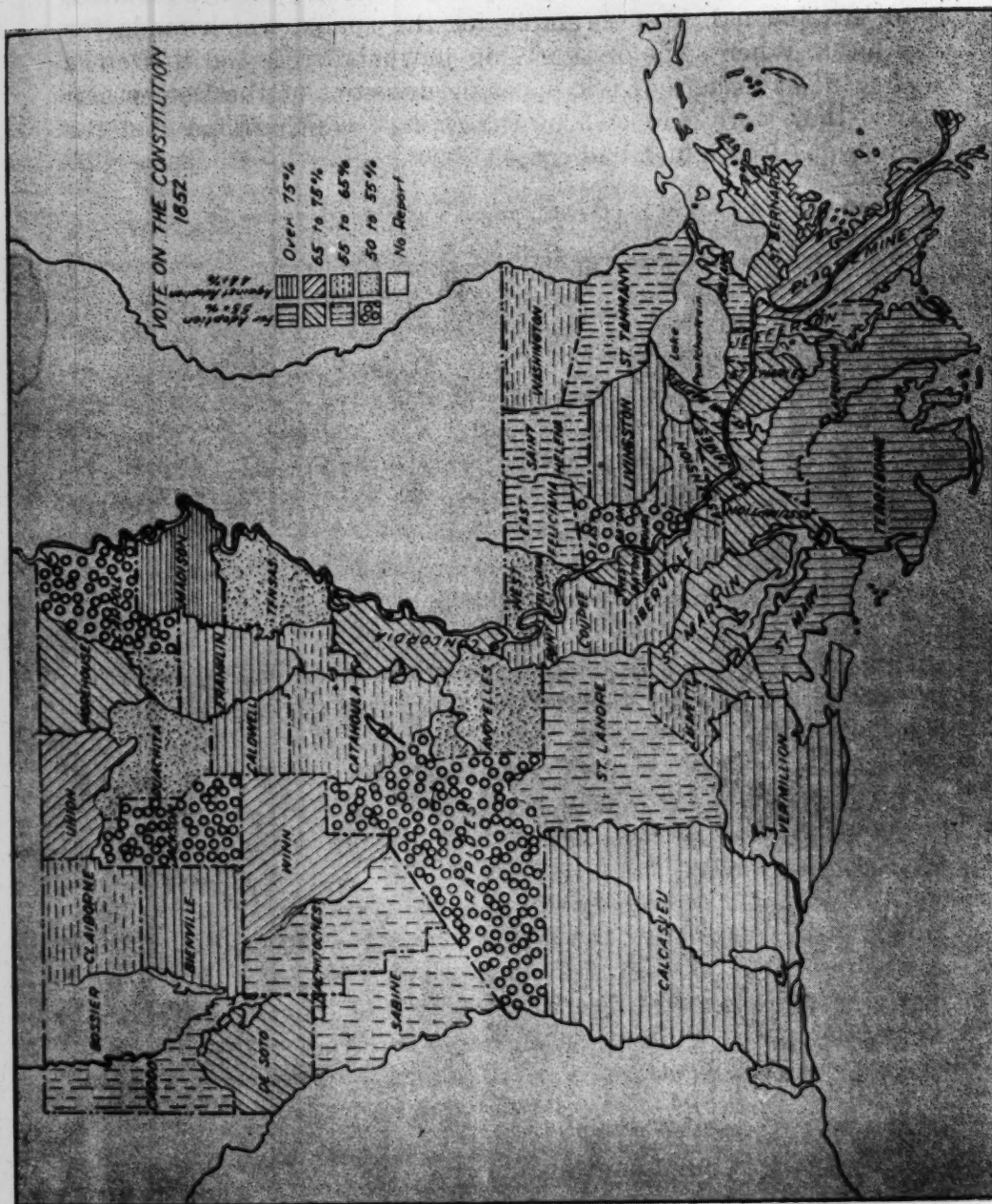
⁹⁷*Weekly Delta*, November 24, 1850. This sheet disclaimed partisanship but was evidently pro-Soulé here.

The *Crescent*⁹⁸ of December 1, declared that the Whig party was not one that could stand prosperity. Victory always resulted, said this journal, in a scramble for the spoils, which made for disunity. When some of the Whig journals⁹⁹ referred to Downs and Soulé as leaders of two opposing divisions of the Democratic party, they were corrected by the *Delta*¹⁰⁰ which stated that the leadership of both men had ceased.

⁹⁸This paper claimed to be non-partisan but was pro-compromise in 1850.

⁹⁹The *Bulletin* and *Bee*.

¹⁰⁰*Weekly Delta*, November 17, 1851.



CHAPTER VI

A NEW CONSTITUTION AND THE ELECTION OF 1852

The year 1852 was an important period in Louisiana politics from the point of view of both State and Federal issues. The election for United States Senator, the election for the constitutional convention, the Presidential campaign, and the election in November to ratify the constitution furnished political excitement enough for the most intense partisan. As local interests were of greater interest in the first part of the year, the activities of the state legislature will be considered first.

In the session which met January 19, 1852, the Whigs were in the majority in both Houses. The centre of attraction was the battle for the Senator to succeed Downs, whose term was to expire March 4, 1853.¹ But the excitement was largely confined to the Whig party. The only hope of the Democrats was that dissension might arise in the ranks of the Whigs. As the time for the caucus approached this hope brightened. It was well known that Hunt, Kenner, and Benjamin were being considered for the position by the Whigs. Hunt had pledged a decided majority of the delegates from the city. But this very fact proved his undoing, for the country delegates preferred someone who was not the first choice of the city, and a sugar planter besides, who would have a common interest with them. Benjamin had manifested his usual tact, industry, and zeal in association with the members on the various business of the Legislature.² In the Whig caucus Benjamin received thirty-seven votes to Hunt's eleven, Kenner's nineteen, with two scattered.³

The Democrats held a caucus and decided to present the name of Senator Downs. In the election, Downs received every Democratic vote and three of the votes of the Whigs. The Whigs who voted for him were from the strong Democratic Districts of Livingston and East Baton Rouge, the eighth district of New Orleans, and Calcasieu.⁴ Downs lost to Benjamin by a majority of twelve.

¹The time of the election was fixed by the Constitution for the Monday following the meeting of the Legislature.

²*Weekly Delta*, February 1, 1852.

³Pierce Butler, *Judah P. Benjamin*, 100.

⁴*Weekly Delta*, February 1, 1852.

A second feature of the legislature activity of this session was the consolidation of the three municipalities of New Orleans into one city.⁵ It was hoped that the village of Lafayette might also be annexed to the city. Sentiment for the movement had increased tremendously during the past few months. One city paper⁶ which had outspokenly opposed consolidation previously, was now zealous in its behalf. The consolidation bill passed the House by a vote of 77 to 2 on February 13, and was characterized as "the initiation of a new era of prosperity."⁷ Another bill for the annexation of Lafayette then passed the House by 72 to 6. Both Acts received the approval of the Senate and were duly promulgated. The passage of these measures was the occasion for celebration on the part of the people of that district. Now the old square of the city was to share its conveniences with every other part of the municipality.⁸ "People will now have no reluctance to living in one portion or another of the city because of its being the "French," or the "American part of the city," stated the *Weekly Delta* of February 22.

But the Legislature adjourned at the end of its "sixty days" without acting upon some of the measures for which the Whigs had pledged themselves. Nothing was done for free banking nor for the release of capital from excessive taxes, etc. But to the pleasure of the Whigs, it did pass an act which provided for sounding the people on the call of a convention to revise the constitution of the State.

The Whigs, in control of the Legislature, now endeavored to win the city elections. Confident of success, they sought to force the contest along party lines. They were warned that the party placing the best qualified candidates in the field would win, in this instance, because of the temper of progressiveness prevalent in the city.⁹ Both Whigs and Democrats, therefore, presented tickets.

Delegates to the Democratic City Convention met at Holt's Home, on Gravier Street, on March 14. The meeting was a

⁵The stock arguments in favor of consolidation have been previously stated.

⁶*Daily Picayune*.

⁷*Ibid.*, February 13, 1852.

⁸This sentiment was in keeping with the platform of the Whigs on reform, etc., which had won the recent State elections.

⁹By these bills the city was divided into four districts. The First District embraced the late Second Municipality, the Second the late First Municipality, the Third the late Third Municipality, and the Fourth District was the late Lafayette.

¹⁰*Daily Picayune*, February 25, 1852; *Weekly Picayune*, March 8, 1852.

secret one, and as evidence existed that the delegates were not one in opinion on the merits of their nominees under consideration,¹⁰ the caucus was for the purpose of ironing out their differences. John L. Lewis was elected to make the race for the mayoralty¹¹ and John Calhoun for comptroller. The Whigs nominated Mayor A. D. Crossman for re-election¹² and the race was on.

But the nominees of the parties were not satisfactory to a strong minority, particularly to the oldest citizens. Accordingly, an independent ticket to consist of men selected from both parties was proposed. So, it appeared that the city election as a test of the strength of the two parties, was to be interfered with by some outside the "main corps." Although the *Picayune* claimed to be an independent journal it deprecated attempts to break up the organization of either party because of dislike to their candidates.¹³ But the movement was fully approved by the *Delta*,¹⁴ which also claimed to be "independent" in party affairs. The "Independents" held a meeting at the American theatre and nominated candidates for Treasurer, comptroller, and for alderman in all four districts. They offered no candidate for mayor. There was much controversy, serious and bantering, in two of the city papers, the *Picayune* and the *Delta*, as to what "Independence" was. Campaigning was furious, but nothing untoward occurred except a threat of the Third Municipality to refuse to hold the elections. This district had opposed the annexation of Lafayette and now held that the act of annexation was unconstitutional. But this threat soon softened down "into a better temper."¹⁵

¹⁰*Weekly Picayune*, March 15, 1852.

¹¹The mayoralty of New Orleans was no easy position to fill. One had to observe impartiality between the old municipalities and maintain a reserve in all sectional controversies.

¹²Crossman was born in Maine in 1804. He learned the trade of his father—a hatter—and went to Philadelphia to seek his fortune. He came to New Orleans in 1829. He succeeded in business and became an Alderman in the First Municipality. He was elected to the Legislature in 1844, but remained a member of the city council. His efficiency as chairman of the finance committee caused him to be nominated for the mayoralty in 1846. He was elected and re-elected successively until 1845. He was an advocate of railroads for the city.

¹³*Weekly Picayune*, March 15, 1852.

¹⁴*Weekly Delta*, March 21. There were some men connected with the independent movement who were sincere in desiring reforms in elections and city ordinances for the better regulation of public order. But the *Delta* had, in addition to this motive for reforms, in mind the disturbance of the political organization of the two parties with the approaching presidential election (and Douglas) in mind. Soulé lined up early for Douglas. The *Delta* was receiving no patronage—and was to receive none—at the hands of the regular Democrats who were in control.

¹⁵*Weekly Picayune*, March 15, 22, 1852.

The election witnessed very little disorder. A. D. Crossman, Whig, defeated General John L. Lewis, Democrat, by a majority of 115 votes out of a total of 10,000. In the Upper Board of Aldermen, the Whigs secured a majority of two, and a majority of fifteen in the Board of Assistant Aldermen. In the First, Second, and Third Districts, the Democrats elected a Recorder. The Recorder of the Fourth District was a Whig who had defeated another Whig by nineteen votes, who had run on an independent ticket.¹⁶

Under the new city charter the police, some four hundred in number, were to be selected by the Mayor and were responsible to him. The old police force had been appointed by the councils and were independent of their chiefs. As a consequence, police administration was so decentralized that no concert was possible. It was now hoped that the loafers, gamblers, and rowdies, who did so much to give the city a bad name, would be kept in order.¹⁷

It was the revision of the Constitution of 1845, however, about which the State politics of this year centered. Neither Whigs nor Democrats had been satisfied with the Constitution of 1845, and, although it was admitted by all to be an improvement over the one of 1812, during the seven years following its adoption, it became more unpopular.

In 1849 one city paper had proclaimed the legislation of the State "one huge mass of errors," and laid part of the blame for such a situation at the feet of the Constitution which compelled hasty sessions of the Legislature.¹⁸ During the following year it was declared that the proposed amendments to the Constitution were so numerous and so varied that the people could not vote upon them satisfactorily or at once. So a constitutional convention was deemed unavoidable and expedient.¹⁹ A bill to call a convention to amend the Constitution was defeated in the Senate. No regret was expressed by the press that the bill was killed, as a revival of the charter banking system was connected indirectly with the measure.²⁰

Amendment of the Constitution was freely discussed by various newspapers. It was agreed that a more Democratic

¹⁶For returns see *The Weekly Picayune*, March 29, 1852.

¹⁷*Weekly Picayune*, April 5, 1852.

¹⁸*Weekly Delta*, October 15, 1849.

¹⁹*Ibid.*, February 18, 1850.

²⁰*Weekly Delta*, March 11, 1850.

Constitution was needed, as well as one which would encourage outside capital. These papers were of the opinion that the present Constitution was undemocratic because of residence requirements, appointive powers of the Governor, sixty-day session of the Legislature, and delay of years before an amendment was allowable. When one Democratic paper²¹ declared the Constitution to be Democratic, the other papers expressed amazement. Further objections to the statements of these papers were vague, but seemed to consist of apprehension of a return of the evils which the Constitution of 1845 had been designed to correct. In fact, these leading papers were in perfect agreement on getting rid of so "restrictive a Constitution." They demanded: an elective judiciary, a homestead exemption clause, a regulated system of Free Banks, internal improvements, railroads, manufactures, and public education in reach of all classes.²²

The only serious objection apparent in the country Democratic journals against calling a convention to amend and remodel the State Constitution was based on the apprehension that the city desired to remove the capital from Baton Rouge. To allay this fear the city papers declared that they did not have any intention of creating a disturbance of the capital site question again. It was the character of the legislation, not the place where it was constructed that interested the city, stated the *Delta*.²³ Meanwhile, the fight to influence public sentiment was continued by the various papers of the city. The two years' consecutive residence for acquisition of State citizenship, and its interruption upon ninety days' absence, unless one possessed a tenement to represent him during his absence, came in for much denunciation.²⁴ An even number of Judges in the Supreme Court, and the limitation to twenty-five years of franchises granted to corporations were also popular sources of objection to the Constitution of 1845.

In his message to the Legislature, Governor Walker stated that he personally opposed the call of a Convention on the Constitution, but advised that the matter be referred to the people. However, the sentiment for such an assembly was nearly unani-

²¹*Alexander Democrat*.

²²*Weekly Delta*, March 11, May 19, 1850, June 30, October 13, 1851; *Alexander Democrat*, *Baton Rouge Advocate*, quoted in *Weekly Delta*, June 30, 1851. *Bee, Crescent, Bulletin*, quoted in *Weekly Delta*, October 13, 1851.

²³November 17, December 1, 1851.

²⁴*The Crescent*, December 8, 1851.

mous in New Orleans and in the interior, it seemed that a majority advocated radical changes, at the least.²⁵ Up to this time, March 7, four weeks before the election for delegates to the convention, both parties had subscribed to the defects of the Constitution and party interests had not been observed.²⁶ But now the *Bee* claimed that the Whigs were the originators of the proposition to call a convention. This was denied by the *Delta*, which cited itself—an “independent paper”—as the originator of the movement.²⁷ Even Senator-elect Benjamin made partisan speeches to his audiences in which he declared that their votes now would help to determine the color of national party administration status for the next four years.²⁸

But this excessive partisanship was not sustained by the Whig press. Perhaps public sentiment was not unanimous in regard to all the defects alleged against the Constitution, but for the necessity of a convention, “there are hardly two opinions—certainly not two parties in the State.”²⁹

The election on determining whether the Convention should be called was held on April 12th. The call for convention carried easily, but due to anti-city feeling, opposition registered heavily in some sections of the country. Apprehension in the rural parishes regarding removal of the capital³⁰ and revival of charter banks and monopolies accounted, therefore, for most of the opposition to making the call. Baton Rouge, for example, returned a large majority against the Convention. This suspicion was condemned in New Orleans as unjust, sectional, and injudicious.³¹ One of Baton Rouge's papers, the *Gazette*, defended New Orleans against the “groundless imputations cast upon it.”³²

The election for delegates was to be held on June 14th, and the Convention was to meet on the 5th of July at Baton Rouge. In the selection of delegates to the convention, the country parishes seemed to pay comparatively little attention to party, although Senator Benjamin had urged party distinctions in all the elec-

²⁵*Daily Picayune*, January 23, 1852.

²⁶See discussion on “Progressive Platform” in *Weekly Delta*, October 13, 1851, *et seq.*

²⁷*Weekly Delta*, March 7, 1852.

²⁸Butler, *Judah P. Benjamin*, 103.

²⁹*Weekly Picayune*, April 5, 1852.

³⁰As the *Weekly Delta* expressed it in its issue of June 13 . . . “there is a very prevalent feeling and belief in the rural parishes of Louisiana, that New Orleans is a Babel of vice and a Sodom of iniquity” . . .

³¹*Weekly Delta*, April 25, 1852.

³²*Weekly Delta*, April 25, 1852. The *Gazette* was Whig in politics.

tions.³³ However, in New Orleans the Whigs early decided that the elections should turn on the old issues of the two parties.³⁴ Critics of Benjamin declared it was bad enough to follow him in the city elections; but that the proposal to select convention delegates upon the basis of federal political ideas did not have the approval of "one out of twenty of the party."³⁵

By this time, the last of May, some of the more aggressive and undisciplined Democrats were complaining that the chiefs of their party were making no efforts to capture the city delegation.³⁶ They were not satisfied when answered that the Whigs were to be allowed to make a constitution and reap the public criticism later, and that the November election was the prize in view. The idea of abandoning the State to the enemy in order to secure a more effective hold upon it later was not considered "patriotic" by the more inexperienced of the local Democracy.

The Democrats carried out their policy of reservation of their strength and lost overwhelmingly. There was one Democrat, George Eustis, out of twenty-eight delegates from the city.³⁷ The young, aggressive politicians among the Democrats *would* run candidates to protect the State from Whig misrule, to keep the organization together, and were badly beaten.³⁸ Such a defeat was proof, said one city journal, that the "ancient sachems" were necessary leaders to victory.³⁹

By this time, July 5, the Constitutional Convention had assembled at Baton Rouge and had begun organization. There were 126 members present: 85 Whigs and 45 Democrats.⁴⁰ D. F. Kenner was elected President, John E. Layet, Secretary, Jules Cassard, Assistant Secretary, and James Maddax & Company, printers. All the officers were Whigs.

The Convention was in session until July 31. Twelve or more major changes were made. Rapid work was done on these portions of the instrument on which all were agreed. Naturally,

³³*Ibid.*, May 16, 1852.

³⁴*Ibid.*; Butler, *Judah P. Benjamin*, 103.

³⁵*Weekly Delta*, May 23, 1852. The *Delta* was continuing its policy of opposition to party nominations for all offices, and was appealing, here, to the country Whigs to disregard partisanship in the selection of delegates to the Constitutional Convention. The *Delta* could not be regarded, therefore, as a spokesman for the Whig party.

³⁶*Ibid.*, May 30, 1852.

³⁷The *Courier* said of Eustis: "C'est un saint d'Israel dans le camp Philistin."

³⁸Such men as Judges Cannon, Larue, Buchanan, Dunbar, and Durant, were defeated by thousands. Some of them were men of great personal popularity but could not win over the Whigs and the "old fogies" of their own party.

³⁹*Weekly Delta*, June 20, 1852.

⁴⁰*Daily Picayune*, July 10, 1852.

a great many articles of the old Constitution were re-adopted without change. Speeches were limited to thirty minutes.⁴¹ Benjamin was floor leader of the majority and successfully smothered hostile amendments which would have caused dispute.⁴²

There was little debate during the Convention, but a larger share of it was expended on the vexed question of the basis of representation than on any other subject. The old arguments were presented on the loss of power by New Orleans—the injustice of it—if slaves and free negroes in other parts of the State were to be counted as elements of representation.⁴³

Discussion of the apportionment ended in the adoption of the total population as a basis, counting blacks as well as whites, slave as well as free. In expressing their dissatisfaction with this result, one of the papers of New Orleans pointed out that injustice had been done the country parishes that were chiefly white in population.⁴⁴ This basis was unfavorable to the Florida or piney woods parishes, and the northwestern portion of the State, but was a source of strength to the eastern and southern slaveholding parishes. A rule which made 10,000 slaves and 3,000 whites of West Feliciana parish politically equal to 13,000 whites in the First Ward of New Orleans, was neither reasonable nor just.

Benjamin took a quite different position on this question from that which he had advocated in 1845. In that Convention he opposed slave representation in any form "as unjust and iniquitous."⁴⁵ Now, he favored basing representation on slaves and whites. Several of the city delegation voted against the total population basis; among whom were E. A. Bradford, later Benjamin's law partner, and Randell Hunt.⁴⁶ As a whole, the city press disapproved of the provision. The *Daily Picayune* stated it was adopted "by a combination of present interests to which we must submit, because we cannot help ourselves."⁴⁷ The *True Delta* cited figures to show the injustice of an article which permitted a few parishes with large slave populations to secure equal political

⁴¹*Journal of the Convention to Form a New Constitution for the State of Louisiana* (New Orleans, 1852), 9.

⁴²*Ibid.*, 43, 44, 55, ff.

Butler, *Judah P. Benjamin*, 105.

⁴³*Daily Picayune*, July 25.

⁴⁴*Daily Delta*, July 30, 1852.

⁴⁵Butler, *Judah P. Benjamin*, 107.

⁴⁶*Journal of the Convention*, 65.

⁴⁷August 4.

power with many more whites of a greater number of parishes.⁴⁸ The *Weekly Delta* also decried the total population basis' lack of "sense, reason or justice."⁴⁹ At the same time, it saw hope in the fact that the city's population was increasing at a rate greatly exceeding that of the country, due to foreigners, and the slaves and free negroes added some to the total.

With such an advantage, the Whigs boasted that they would retain control of the State for thirty years. The largest slave owners were Whigs, and they had long distrusted the Democrats as "dangerous in politics" and not on an equal footing with them socially. But the apparent advantage to be had from the new Constitution was deceptive, because the National Whig organization was breaking down and the State could not be controlled in the face of such a fact.⁵⁰ Benjamin's influence in securing the constitution cannot be over estimated. His motives were not due to a desire to protect his interests as a sugar planter, but to the fact that he desired to infuse new life into the decaying National Whig body.⁵¹

But in other respects the Constitution was well received and fairly well in line with the demands for reform. It was certainly more "liberal, democratic, and radical," as one paper styled it.⁵² An enumeration of some of the improvements which sustained this claim may be made. First, suffrage was extended to all white males who were citizens of the United States over 21 years of age that had been residents of the State one year and of the parish six months. The Constitution of 1845 had required a residence in the State of two years and the parish one year.

Second, distinctions in the old Constitution between naturalized and native citizens were removed. Temporary absence would no longer interrupt the acquisition of residence or cause a loss or the suspension of the ballot. When citizens moved from one parish to another, the new Constitution gave permission for one to vote in the parish in which he had last resided six months.

The only qualification restriction on age and residence under the new Constitution, applied to the Governor. He was required to be twenty-eight years of age, and a resident of the State four

⁴⁸*Daily True Delta*, August 8, September 9, 11, 1852.

⁴⁹August 15, 1852.

⁵⁰Butler, *Judah P. Benjamin*, 110.

⁵¹Benjamin's biographer also suggests that he saw the approaching conflict over slavery and wished to unify the South against it.

⁵²*Weekly Delta*, August 15, 1852.

years. To be eligible for the State senatorship, a person merely had to be a qualified elector of his District.

The basis of representation in the State was changed. Under the old Constitution, the political power rested with the qualified electors, with the exception of New Orleans, which had a fixed representation. As it has been seen, the distribution of political power outside Orleans, was now to be determined by the "total population." New Orleans was to have representation in the House based upon total population, but was restricted in the Senate to five Senators.

The Legislature was to be elected biennially, but was to hold annual sessions. Secretaries of State and of the Treasury were made elective. There was a sweeping change in the judiciary. Judges of the Supreme and of the inferior courts were made elective. The Attorney General and the district attorneys were made elective by the State and by their districts, respectively. The legislative provisions of the old Constitution were abolished in the new, and matters of organization were left to the Legislature.

A very simple and quick means of amending the Constitution was provided. Under the old Constitution, amendment was a tedious process which required approximately five years to complete and the consent of the Governor was required. The new Constitution could be amended by an affirmative vote of two-thirds of the Legislature, and the submission of the amendment proposed to the people, at the next general election, after three months' public notice.

The second great objection to the Constitution, in the opinion of the *Weekly Delta* and some of the other city papers,⁵³ was the clause which related to the creation of corporations which were privileged to do banking or discounting. This article allowed such corporations to be created by special acts or to be formed under general laws, and the Legislature should "provide for the registry of all bills or notes issued or put in circulation as money, and shall require ample security for the redemption of the same in specie."⁵⁴ "Vagueness" was cited as the objection to this provision by those who disliked it. The creation of banks by acts by the Legislature instead of permitting banking under only a general corporation act of the Constitution, would permit chartered banking. "Char-

⁵³For comparisons and comments on the new Constitution, see the *Weekly Delta*, August 15, and the *Daily Picayune*, August 4.

⁵⁴Quoted in the *Weekly Delta*, August 15, 1852.

tered Banking" had been the curse of the State, declared one journal⁵⁵ of New Orleans, which feared that some members of the Legislature had not acted unequivocally in this matter, which revived such a dangerous Legislative power.⁵⁶

By this time, 1852, the State had recovered from the last financial panic, and there was a demand for liberal laws on the organization of banks and corporations to encourage the investment of capital.⁵⁷ Benjamin had formerly believed in throttling corporations but he came to favor liberal provisions for corporations and banks, and was instrumental in obtaining a special clause legalizing the Citizens Bank.⁵⁸

Opposition to the new Constitution was rather limited even in quarters where it was thought much opposition would be offered. The new amendments were too much in favor of the great planting parishes on Red River and along the Mississippi, for these parishes to object to its adoption.⁵⁹ The country parishes of the north and northwest portion of the State favored the democratic liberality of the Constitution on the elective franchise.⁶⁰

But as the time drew near for the ratification of the new fundamental law by the people, radical opposition developed in the *Daily True Delta* of New Orleans. Its denunciations centered on the total population basis of representation. When the *Bee* pointed out that the negro, free or bond, was not to exercise any political privilege but only to be counted as one of those upon whom the apportionment was made, the *True Delta* sneered at its knowledge of its subject, and then reiterated its former declaration that the master of a thousand slaves would possess representation in the Legislature equal to 1001 free white citizens of the city.⁶¹

There were men in Louisiana who personally opposed the Constitution, as amended, but did not vote against its adoption. John Slidell, leader among the Democrats, was one of these. He had been the subject of much criticism by the *True Delta*, which asserted that he was one of those interested in the adoption of the Constitution. Slidell had not favored the calling of a convention in the first place. In order to show his attitude on this subject

⁵⁵*Weekly Delta*, August 15, 1852.

⁵⁶*Ibid.* The *Picayune* did not criticize this article. It was a Whig provision, and was generally supported by the commercial element.

⁵⁷*Daily Picayune*, October 24, 1852.

⁵⁸Butler, *Judah P. Benjamin*, 106.

⁵⁹*The Daily Comet*, Baton Rouge, September 4, 1852.

⁶⁰*The Daily Comet*, Baton Rouge, September 8, 1852.

⁶¹*Daily True Delta*, October 3, 1852.

and to reveal something of his political astuteness, a letter written by him for publication at this time, is reproduced here.

To the Editor of the *Louisiana Courier*:

As I have not the presumption to suppose that my opinions on political questions are entitled to greater consideration than those of any other respectable and intelligent citizen, I have always scrupulously avoided even the appearance of obtruding them on the public. Having been steadily opposed to the calling of a convention for the amendment of our existing Constitution; having declined accepting a nomination for the Convention; having been during its session, and until the 7th instant, absent from the State, and not having written a word in relation to it, to any individual within its limits, I had not supposed that my views in relation to the Constitution about to be submitted to the people, could be made the subject of public comment. In this I have been mistaken. A city journal, which has strenuously opposed the adoption of the Constitution, on grounds, in which, in the main, I heartily concur, has thought proper to class me among those who desire its ratification by the people. I am unwilling to have my opinions on so important a subject misrepresented, and desire to place myself right on the record. I shall not enter into any detailed exposition of the reasons why I shall vote against the adoption of the Constitution. Suffice it to say, that all the changes that have been called for by public opinion would have been certainly and speedily obtained without having recourse to a convention, and will be so if the new Constitution be rejected. That I am decidedly opposed to the representative basis adopted by the convention—to the articles authorizing the erection of banking corporations by special laws, confirming the legislation of the last session for the relief of the Citizens Bank, and empowering the Legislature to subscribe to the stock of companies formed for purposes of public improvement.⁶²

JOHN SLIDELL.

The *True Delta* was sanguine enough to claim that the sugar planters would probably aid, and the country parishes certainly would, in defeating the "negro-good-as-a-white-man Constitution."⁶³ This assertion that a slave was put on an equality with the white man was termed "utter nonsense" by the papers which supported the Constitution.⁶⁴ The sole effect of the total population basis, they stated, was to give parishes with many slaves more influence than they would otherwise receive. But from this point of view the basis merely protected Southern institutions in

⁶²*Courier*, October 14, 1852.

⁶³*Daily True Delta*, October 15, 1852.

⁶⁴*Daily Picayune*, October 24, 1852; *The Daily Comet*, October 29, 1852.

that the slaveholders were given powers to protect their own rights.⁶⁵

The country Whig press joined in the ridicule of the propaganda that the Constitution was a "free negro Constitution."⁶⁶ But in the northern part of the State "anti-nigger Constitution meetings" were held.⁶⁷ Perhaps the opposition to the document was chiefly due to an idea of the Democrats that the "new apportionment would throw them into a minority in the Legislature." Democratic politicians, including Roberts, Durant, and Soulé, spoke against accepting such an instrument.⁶⁸ At the same time, the citizens of New Orleans were stimulated to accept the Constitution by the argument that "if it were to be done over" the country delegates would be less liberal than they had been.⁶⁹ Finally, appeals were made to laborers, merchants, real estate owners, and capitalists to save the Constitution from the "powerful political vote" of the country.⁷⁰

The decision of the people was for adoption, by a majority of 4,393 votes out of a total of 34,372. Returns gave majorities for adoption in twenty-six parishes. The majorities for adoption in the First, Second, Third, and Fourth Congressional Districts were 1,633, 1,806, 427, and 527, respectively. It is interesting to observe that the largest vote for the Constitution was given by parishes where the slave population was comparatively small. Jefferson, New Orleans, and Lafourche, with large white populations, gave a majority of 2,000 for adoption, while Tensas, Pointe Coupée, Iberville, and West Feliciana and several other parishes with large slave populations gave majorities against "the nigger-as-good-as-the-white-man Constitution."⁷¹ New Orleans alone gave a majority of nearly 1,600 for adoption.

⁶⁵*The Daily Comet*, October 29, 1852. Still, the *Picayune* held that the proper basis for protection of such rights was the old Constitution. But this "single objection" was not sufficient to outweigh the important advantages of the new constitution, the same journal urged. See issue of October 24th.

⁶⁶*Ibid.*

⁶⁷*Ibid.*

⁶⁸*The Daily Comet*, October 29, November 5, 1852.

⁶⁹The future increase of the city's population would excite the country's apprehensions.

⁷⁰*Daily Picayune*, November 1, 2, 1852.

⁷¹*Weekly Delta*, November 7, 1852. For official returns on the adoption of the new Constitution, see *Weekly Delta*, December 15, 1852.

Many Democrats opposed the new constitution, of course, because they saw through the plans of the Whigs to secure and maintain political control of the State. The planting interests were not in sympathy with the laboring and commercial classes of the city which would profit by the liberal provisions of the new instrument toward capital. Soulé probably opposed it in the rural parishes, because his following in the country might be neutralized by Whig gains, while the increased population of the city added to the strength of the Whigs or his factional opponents—the regular Democrats.

It was hoped and believed that among the first acts of the new Legislature would be an attempt to amend the objectionable representative basis article of the new Constitution. Meantime, the Constitution had provided that the representation in the Legislature would remain as it was until a new census was taken.⁷² Thus it may be seen that although a fair majority of the people of the State were said to disapprove of at least one of its provisions, they decided to take the whole rather than retain the far less satisfactory Constitution of 1845.

Meanwhile, before the Convention assembled, the Presidential canvass had begun. As early as June, 1851, Senator Stephen A. Douglas's name had been mentioned as a favorite of the young Democracy.⁷³ This group organized a "Jackson Association of New Orleans," addressed a communication "To the Democratic Party in Louisiana" in which they urged prompt organization throughout the State, and presented Douglas for the "suffrages" of the party.⁷⁴ Many prominent Democrats in the Legislature took ground for Douglas at once. In the Senate, Colonel Phillips, R. C. Wickliff, Cade, and others, gave some weight to the Douglas cause. Soulé openly proclaimed for him. But many influential chiefs of the party, especially Slidell, were already committed to Buchanan. The Democrats now began to harmonize their differences. Divisions had occurred in the party over the Compromise question, but the Union movement had amounted to little. The Whigs contributed not a little to this harmony by their recent victory in the State elections and by their distribution of the spoils in their control.

Cass, Buchanan, and Douglas had many friends among the Democracy in the State. Some had wanted Cass in 1844 and thought that he should now have his reward. Douglas's strength was spreading in the rural parishes. *The Alexandria Democrat*, *The Democratic Advocate* of Baton Rouge, and *The Carrol Watchman*, in northern Louisiana, raised the Douglas flag. But the friends of Buchanan made arrangements, practical operations, and plans, rather than indulge in platforms and addresses.⁷⁵

⁷²*Daily Picayune*, November 10, 1852.

⁷³In one instance an advocate of Douglas staged a bet on his being selected as the next nominee of his party. This was considered, of course, a means of helping a candidate.

⁷⁴*Daily Picayune*, February 3, 1852.

⁷⁵*Weekly Delta*, February 29, 1852.

Among the Whigs all was quiet during the first two months of the year. Their party was already as well organized as a party in power could be expected to be.⁷⁶ But they had watched the movements of the Democrats in the State and now began to boost their Presidential timber among the people. A Scott association was organized with Major Kelly head of the ticket of delegates from the Second District. Still the older Whig papers, the *Bee* and the *Bulletin*, of the city averred that Fillmore would be the unanimous choice of the party in the State.⁷⁷ But the numbers of the Scott men increased so rapidly that the *Bee* was twitted for having said that if Scott were nominated "his friends in the North will have to take the lantern of Diogenes to hunt up his supporters in the South."⁷⁸ The Fillmore faction realized the strength of Scott in the State, and in its eagerness to defeat him, became inconsistent in its appeals. Pleas were made to fall back upon old party lines and to abandon the Union party idea, which conflicted in another connection with insistence that the Union platform should be merged into the old Whig platform.⁷⁹

The Democratic National Convention shelved the aspirations of both "Old Fogyism" and "Young America" and selected a dark horse—Franklin Pierce. Some of the Whig papers of New Orleans viewed the nomination lightly, but the more conservative journals were disturbed. The *Picayune* considered Pierce a formidable opponent and the *Bee* added that it was certainly not an unfortunate choice. But the *Bulletin* considered him a weak selection and thought King, his running mate, would furnish most of the strength of the ticket. Neither did this paper think that the game of the Democrats would win this time as it did in 1844.⁸⁰

On the night of June 26, a Democratic ratification meeting was held at the "Neutral Ground" on Canal Street. All classes of the party were present—young, middle-aged, and old. A thoughtful earnestness and unanimity was exhibited by the large crowd. John Slidell was elected President of the meeting. In a short and well received speech, he stressed the need of a

⁷⁶*Ibid.*, February 8, 1852.

⁷⁷*Ibid.*, March 14, 1852.

⁷⁸*Weekly Delta*, April 4, 1852, quoting from the *Alexandria Democrat*. The *Delta* of April 18, 1852, denied being a "Scott organ"—or any party paper.

⁷⁹*Weekly Delta*, May 2, 1852.

⁸⁰*Weekly Delta*, June 13, 1852.

restoration of "the ancient discipline of the Democracy,"⁸¹ and the concert of action to build an organization which would secure Louisiana's electoral votes for Pierce and King. The burying of past feuds in this election, Slidell pointed out, would probably secure success in the elections under the new Constitution and the political supremacy in the state for years to come. Harmony and organization, then, said this chairman, were all that was required to assure success.⁸² Moise then addressed the assembly and said that the cloud which had hovered for some time over the party in the State was now drifting away. Judge Walker next urged the Democracy of Louisiana to share in the honor of electing Pierce. The six Whig delegates from the State to the Baltimore Convention had been instructed to support Fillmore, first, because of his stand for the Constitution, and Webster, second, for the reason of his intellectual ability.⁸³ Therefore, the nomination of General Winfield Scott caused some dismay among those Whigs who had committed themselves so strongly for Fillmore or for Webster. When Kelly and Ranney, the only avowed Scott men from Louisiana to the Baltimore Whig Convention, departed from New Orleans, they left no avowed Whig leaders for Scott behind them. But the Whigs rallied quickly and began to shout for Scott, and the delegates found plentiful support among all factions of the Whigs when they returned.⁸⁴

The Whig ratification meeting was a brilliant affair. J. P. Benjamin delivered the first speech of the evening, and cleverly struck at the Democrats by remarking that the Whigs had not had to unite a party divided "by personal considerations, or to draw a man from obscurity," to reconcile their party. Internal improvements by the General Government was mentioned as an old plank of the party, and the promise was held out to the local Whigs that General Scott's election would result in the removal of the sandbar at the mouth of the Mississippi.⁸⁵ Christian Roselius, J. W. Price, and Randell Hunt also spoke.

⁸¹This speech of Slidell and that of Moise, later mentioned, evidently aimed at Soulé.

⁸²*Weekly Delta*, June 13, 1852.

⁸³*The Daily Picayune*, July 2, 1852. It was probably recalled, too, that Webster's famous March 7th speech had given much pleasure to many of the people of the State. The Louisiana delegates voted against Scott during the fifty-three ballots and only agreed to support him after the motion was made to make his nomination unanimous. *Weekly Delta*, July 4.

⁸⁴*Weekly Delta*, June 27, 1852.

⁸⁵*Daily Picayune*, July 2, 1852.

The Whigs were determined on a thorough canvass. The spirit of the party was so good that it provoked one city paper⁸⁶ to remark that if General Scott were to visit New Orleans, his reception would be quite different from that of 1851, his last visit, when he was hardly approached by other than Democrats. Six papers in New Orleans advocated the Whig cause, and plans were made to support two campaign papers.⁸⁷

From July 15 to October 15, the Presidential canvass in the State was slow getting under headway. The press and politicians tried vainly, for a time, to stimulate the people into some sort of excitement. A meeting of the Whigs of New Orleans was held on September 14, and banners, speeches, and organizations were used to promote the interest of partisans. Judge McWhorter, John K. Price, representative of the young Whig men of the city; E. J. Carroll, editor of the *Crescent*, and Wheat were some of the orators for the occasion.⁸⁸ Whig stump speakers were sent out to the country parishes. Randell Hunt was to go to Rapides, Benjamin to Opelousas, and Roselius to the hills of Tunica. The Democrats, of course, planned to follow each of them and make counter appeals.

But, said the *Weekly Delta* of September 26, there "is the absence of any real, tangible issues, other than those which turn upon the characters and lives of the candidates."⁸⁹ A similar opinion was expressed by *The Daily Picayune* of October 14th, yet the Whigs had six of their city orators campaigning earnestly in the country, held meetings nightly, and distributed much campaign literature. A Whig torch light procession in Baton Rouge was reported the largest since 1844.⁹⁰ The Democrats, on the other hand, seemed to be idling.⁹¹ Citizens of Plaquemines wrote that politics were "dull."⁹²

⁸⁶*Weekly Delta*, July 4, 1852.

⁸⁷The *Bee* was to publish one and the editor of the *Republican* in the Fourth District another.

⁸⁸The *Daily Picayune*, September 15, 1852.

The *Weekly Delta* wanted to see meetings made more attractive by having joint debates. Its idea was that the parties should attempt to convert each other's followers rather than merely appeal to their own members. See issue of September 12.

⁸⁹The *Weekly Delta*, it must be kept in mind, was supposed to have been acquired months previously by the Douglas interests to further his prospective campaign. It is quite possible, therefore, that some of its complaints of "dullness" were due to some lingering disgruntledness. Certainly it was irritated with the continued war on Soulé. See issue of October 3, 1852. It will be recalled that Soulé was pro-Douglas, as he was years later.

⁹⁰*Daily Picayune*, October 29, 1852.

⁹¹*Weekly Delta*, October 3, 1852. True the Democrats had been gaining since the election of 1848.

⁹²Correspondence of *The Daily Picayune* from Plaquemines, October 18, in issue of October 19, 1852.

On the eve of the election, voters received the usual warnings to beware of deception. There were two ballot boxes at each poll; one for the electors of President, and another to receive the votes for or against the adoption of the new Constitution. The election was very quiet; so quiet that few would have known an election was being held.⁹³ The Democrats went to the polls confident of victory, while the Whigs were "certain" of carrying the State. But the Democrats won a narrow victory in the presidential contest; though their bearing afterward elicited the remark that "the Democratic gamecock crows only before the battle, not after."⁹⁴ Many Whigs, including the two electors Garrett and Parham, bolted their ticket and withheld their support or opposed General Scott. But their defection seemed to have little influence, for the Whigs carried the districts of those two electors by large majorities.

The total vote polled for President was, Bossier parish not included, 35,474. Pierce's majority was 1,406. Scott carried the First Congressional District by 31 votes and the Second by 476.⁹⁵ Scott carried the coastal and river parishes, while Pierce carried New Orleans by nineteen votes, nine of thirteen parishes in the Third District, and sixteen of nineteen parishes of the Fourth Congressional District.

Elections for State officers under the new Constitution were to be held on December 27th. It was believed that the Whigs would naturally manifest great interest in remaining in power to put the Constitution into operation. They had secured the last State election by a reform platform and would want to continue their work.

It was now suggested that the Democrats should get rid of their ancient chiefs—"the slow coaches"—and modernize the party through new leaders on "a good platform of State Reform."⁹⁶ The *Delta* suggested that such a platform might well consist of adoption of the elector basis of apportionment of representation, recognition of free banking instead of special charters by the Legislature, and shortening of the judicial terms. The Democrats should also advocate railroads, State aid for public works, common schools and education.⁹⁷

⁹³*Daily Picayune*, November 3, 1852.

⁹⁴*Weekly Delta*, November 7, 1852.

⁹⁵*Weekly Delta*, December 5, 1852.

⁹⁶*Weekly Delta*, November 28, 1852.

⁹⁷*Weekly Delta*, November 28, 1852.

There was some effort made by some of Soulé's associates to arouse interest which would boost the nomination of Charles Gayarré for Governor.⁹⁸ But the Convention gave a large majority to Colonel P. O. Hébert on the first ballot. W. W. Farmer, of Union, was nominated for the Lieutenant Governorship, Judge Grenaux, of Natchitoches, for State Treasurer, Isaac E. Morse, of New Orleans, for Attorney General, Major Herron, of Baton Rouge, for Secretary of State, and Judge Carrigan for School Superintendent. The Democrats thus selected their nominees from every section of the State.⁹⁹

The Whig Convention was held at Baton Rouge on December 3. Louis Bordelon, State Auditor, a Creole and resident of the large Whig parish of St. Landry, was nominated for Governor. Two other candidates were taken from the northwest, where the Whigs had prospered better than elsewhere, in proportion to numbers, in the last two elections. These were John Ray of Ouachita, for Lieutenant Governor, and Judge George C. McWhorter, of Concordia, for State Treasurer. Daniel Avery, of Baton Rouge, was chosen for Secretary of State, and the Whig candidate for Attorney General was R. N. Ogden, of Jefferson. T. B. Thorpe, formerly a newspaper editor, was nominated for Superintendent of Public Schools. He was from East Baton Rouge.¹⁰⁰

The *Weekly Delta* rejoiced that the time for electioneering was so short, for two reasons: first, the nominees who attempted to canvass the State would encounter so many difficulties in means of transportation that they would become infused with the "rail-road spirit," and second, demoralization resulting from electioneering would be missed. The Whig platform was severely criticized for omission of planks advocating the repeal of chartered banking and a reduction of the judicial tenure.¹⁰¹ These criticisms were ignored by the Whig press, which appealed particularly to the business and commercial classes to protect their interests by their ballot for legislative and other candidates.¹⁰²

Some of the Whig journals complained of the listlessness of the election, which they considered of more importance in its re-

⁹⁸*Daily Picayune*, December 4, 1852.

⁹⁹*Weekly Delta*, December 5, 1852.

¹⁰⁰*Weekly Delta*, December 5, 1852; *The Daily Picayune*, December 26, 1852.

¹⁰¹*Weekly Delta*, December 12, 1852.

¹⁰²*Daily Picayune*, December 26, 1852.

sults to the State, than the Presidential election. Official returns gave Hébert and Farmer majorities over their opponents of 2,030 and 3,008, respectively. Of twenty-three senators elected, fourteen were Democrats, as were also fifty-one of eighty-two representatives chosen. The *Picayune*,¹⁰³ a Whig journal, denied that the contest was a fair trial of strength between the parties, as tickets were split on all sides by both Whig and Democrat.¹⁰⁴

¹⁰³*Ibid.*, January 19, 1853; *Weekly Delta*, January 16, 1853.

¹⁰⁴*Daily Picayune*, December 29, 1852.

(To be continued)



BATON ROUGE THE HISTORIC CAPITAL OF LOUISIANA*

By J. ST. CLAIR FAVROT OF BATON ROUGE

The traveler ascending the Mississippi River from its mouth passes for over two hundred miles through the alluvial section where the waters of the river are confined to its channel by the levees that protect the surrounding country lying twenty feet below their crests. On the west bank one travels many more miles before the influence of the Ozarks is felt, but on the east the river is surmounted by bluffs rising many feet above its most turbid tides.

On this first bluff bordering the Mississippi, on its east bank, there once stood the "tall red cypress tree, stripped of its bark," that formed a boundary post between the hunting grounds of the Houmas and Bayougoula Indians. This monarch of the forest when seen by the earliest French explorers was designated as "Le Baton Rouge" (the Red Stick) and the settlement that formed in its vicinity retained the name. It is recorded that the said "stick" was of such gigantic proportions that one could have made two "pirogues" therefrom, after the fashion of the times to burn "dug-outs" from the trunks of trees.

This prehistoric landmark, planted by the hand of the Great Spirit, marked by the blazings of the aboriginal natives of the country, and its surrounding purlieus, seemed to hold a particular significance throughout the history of this country. It marked a spot the like of which is not found anywhere on this western continent.

It was the point around which raged the conflict of the greater European nations in their struggle for the supremacy of the Mississippi Valley, and today it marks the head-waters of deep-sea navigation on the Mississippi River. Around it has grown the furtherest inland harbor on the globe, with possibilities for its further extension inland.

It became a part of the territory of New France, when in 1682, Robert Cavalier de La Salle, born in Rouen, France, in 1643, and known as the "Prince of American Explorers," took possession of the country which he had discovered and planted

*This paper has been edited by J. Fair Hardin, Esq., Associate Editor of the Quarterly.

thereon the fleur de lys of France. This was later ratified when in 1699, Pierre Lemoyne, Sieur D'Iberville, seeking to enter the Mississippi from the south, formally took possession of the lower Mississippi territory and proceeded to colonize it under the French crown.

This territory found its earliest administration at the hands of Diron d'Artaguette and in its earliest days it became a fortified place by the erection of a blockhouse, and a stopping-place for the travelers from the Lakes to the Gulf. Gradually it grew in size and importance and the strength of its fortifications and armament increased with the demand of the times and the development of the implements of war.

The fort of Baton Rouge was built during the existence of the French colony under Bienville, (sometime about 1719). We know nothing positive with regard to the exact period of the establishment of a military post where is now situated the city of Baton Rouge. History is silent on the subject but we can with safety place that epoch in the first years of the colonization of Louisiana by Iberville and Bienville.¹ To maintain the Indian tribes in awe and subjection it was found necessary to erect small forts in the most prominent positions of the province. Among others that of Baton Rouge was built.

¹The earliest contemporary written mention of Baton Rouge by that name with which the Editor is familiar is found in the Historical Journal of Father Charlevoix, in Letters Addressed to the Duchess of Lesdigulieres, in his letter dated New Orleans, January 10, 1722, from which we quote the following as given in French's Hist. Coll. Vol. 3, p. 176: "On New Year's Day we went to say mass three leagues from Madam de Mezleres, in a grant very well situated, and which belongs to M. Diron d'Artaguette, Inspector General of the troops of Louisiana. . . . We stayed all day in this grant, which is not much forwarded than the rest, and which they call la Baton Rouge (the Red Stick)." It is strange that though its position is noted on the map in Dumont's "Memoires Historique" published in 1753, it is only mentioned once at page 16 nor does Baudry des Lozieres mention it in his account of his First Voyage (1794-98) nor his Second (); nor Bossu in his First Travels (1750) nor in his Second (1770). Strange, too, that it was ignored by Capt. Philip Pittman in his account of the "Present State of the European Settle-

ments on the Mississippi" (1768), although he notes its position on his maps and describes with much particularity Pass Manchac, just below it, and Pointe Coupee, just above. We can, however, fix the date of its establishment as being after March 9, 1717, when La Harpe tells us that d'Artaguette arrived at Biloxi, and probably after May, 1719, when he likewise tells us that d'Artaguette was commissioned Inspector-General and ordered to move the Colony from Dauphine Island to the Mississippi; and before Sept. 16, 1720, on which date he records the arrival of "supplies for the concession of M. Diron D'Artaguette."—See French's Hist. Coll. of La. Vol. 3, pp. 47, 67, 78. This D'Artaguette, however, was the younger of that name, for his father had come over as early as 1708 and who remained until 1711. The earliest notation of Baton Rouge on a map of Louisiana appears to be on D'Anville's Carte de la Louisiane, Mai, 1732, publie en 1752, where it is shown as "le Baton Rouge on commence l'Ecor en montan"—see "The Mississippi Basin", Justin Winsor, pp. 7, 40.—J. Fair Hardin, Ed.

The French held the territory until 1763, when it was ceded by treaty to England and the banner of France was replaced by the Crosses of England which floated over the fort until September 21, 1779, when Don Bernardo de Galvez, the twenty-one year old Governor of Louisiana under the Spanish regime, laid siege thereto and after three days of bombardment caused Col. Dickson, the English commander, to capitulate, and hoisted the flag of Castile over its ramparts.²

Referring to Baton Rouge at the time of its occupancy by the English, Gayarré says:³

"The post of Baton Rouge which had been ceded to the English and of which they had made a point of origin for contraband commerce with the remainder of Louisiana, which had been transferred to Spain, was then composed of only a poorly fortified place and a few huts scattered around its vicinity. The future reserved higher destinies for this site, which is one of the most promising in the State of Louisiana. As a matter of fact one sees today, (1847), a pretty little town where the federal government of the United States has established a magnificent arsenal and by a new provision of the State Constitution the seat of government will be transferred there in 1849. Here is the origin of the name of Baton Rouge given to the future capital of the State of Louisiana. One knows that the cypress tree which has a red bark, grows to prodigious heights. The trunk is bare of branches and it is only at its top that there is a crown of foliage. It is the capital of the column. Le Page du Pratz records that in his time one could yet see this famous cypress tree of which a ship carpenter had offered to make two pirogues, one of sixteen tons and the other of fourteen tons. As the cypress is a red wood, says Le Page du Pratz, some of the early voyagers who came to this place, said that the tree would make a fine "stick." That is what gave the name of 'Baton Rouge' to that place. As to the tree, its height has never been measured. It is lost to sight."⁴ The ancient Romans who saw all things in their presages, would not have failed to have said that this prodigy of the vegetable kingdom was

²The English Documents covering the battle published in Number 2, Vol. 12 of the Quarterly, indicate that Col. Dickson intrenched himself on a redoubt built by him just before the battle and for the purpose of receiving the attack behind this new fortification.—Ed. La. Hist. Qrtly.

³History of Louisiana, Vol. 1, p. 133, Chap. XXII, French Ed. 1847.

⁴Page du Pratz, Hist. of La. Eng. Ed. 1763, Vol. 1, p. 94. Du Pratz came to Louisiana in 1718 (p. 20), but he lived here many years before he wrote his History and we do not know as of what date he was describing Baton Rouge.—J. Fair Hardin, Ed.

a certain sign of extraordinary prosperity for the sacred soil in which the Gods had placed it.⁵

The First Battle of Baton Rouge September 22, 1779

When in 1779 Spain had in conjunction with France declared war against Britain, Don Bernardo de Galvez, Governor of Louisiana, marched against the fort of Baton Rouge, which was defended by a body of men commanded by Colonel Dickson. Galvez seems to have regarded the fort as the key-stone of the province, and therefore on hearing the news that war had been declared, marched immediately upon the position, hoping that by storming it he would render himself master of the province.

Galvez marched from New Orleans by way of Pass Manchac where Fort Butte was located at the now ruined village of Galvez-town. Having come in sight of the fort of Baton Rouge he besieged it, setting his camp a little to the southward of the spot now filled by Square No. 2, between North Boulevard and Convention street to the north of the state capitol. There stood formerly an Indian mound, since removed, but of whose existence there remained evidence until more recent years in the yard of a beer saloon at the corner of the Boulevard and Repentance street. As a skillful general Galvez pitched his tent behind the hillock

⁵Concerning the origin of the name of Baton Rouge, a diversity of opinion has been expressed and some writers have recorded that the post or baton was stained with the blood of the scalps that were hung thereon as trophies of battle, while others have recorded that the tree was red by reason of having been so painted by the Indians. The version recited as to the tree being a red cypress stripped of its bark seems the most logical conclusion as it is the one most frequently referred to and also seems to have been the first conclusion reached by those having interest in naming the spot. Subsequent versions are rather tinged with romance, which is one of the failings of the modern historian.

Another argument in favor of the tree having been a red cypress stripped of its bark, is the well known fact that the aborigines having but their primitive tools in the shape of the tomahawk, used that kind of ax to blaze trails through the forest and the blazing of a trail was the

cutting of gashes in trees where they would be seen and followed by those coming after. The fact that a tree was of more than usual importance as a designation of hunting ground limits would naturally lead them to skin it very prominently and the removal of the bark for a considerable distance revealed that the tree was red from top to bottom. The version as to painting is far-fetched for the reason that colors were exceedingly hard to secure as only certain locations yielded the earth from which pigmentation was derived and all the available material was used for bodily decoration in the form of war paints and the like, and its use was about as extended as the use of rouges and lip sticks are now in use among the civilized women. One cannot conceive that any sane person would color a post with a lip stick, if other paints were not available, and the supply of pigmentation of the aboriginal times was necessarily extremely limited.

J. St.C. F.

and making it answer as a breastwork, he erected his batteries on its brow.

On the 23d of September, 1779, his first gun was fired, that being the signal for a general attack, Galvez himself touching off the gun and the match which he used on that occasion was long preserved as a relic of that historic event. At the given signal Galvez's batteries opened upon the fort and in a moment the hill was enveloped in smoke. The guns of the fort replied and kept up a brisk cannonade, which had very little effect upon the Spaniards, who under cover of their mound directed their fire with safety and battered the unprotected walls of the fort.

It is recounted that when the battle opened Col. Dickson was at breakfast with his officers and that the first cannon ball passed through the wall of the room and fell on the inside. Col. Dickson kicked it and remarked that if they were using guns of that caliber, resistance was useless and that they would soon be battered into submission. The British put up a vigorous resistance but seeing that he could no longer hold out, Col. Dickson lowered the colors of England and asked for capitulation terms. These were granted on condition that several other forts in the province should also be evacuated by their English garrisons, after which the vanquished left the fort with the honors of war and abandoned the whole province to the Spaniards.

This was the first battle of Baton Rouge in its history, but there were to be others under different circumstances. The battle of Baton Rouge was a decisive blow to the power of England in Louisiana and it drove the British out of the province. We can call it a Revolutionary battle because it was fought in the interests of the United Colonies by their allies and against their enemies.⁶ Galvez appointed Don Pedro Josef de Fabrot as the commandant of the fort and returned to New Orleans from there to march to the conquest of Florida, which he soon accomplished.

Dr. John Sibley, who was the garrison Surgeon and who became President Jefferson's Indian Agent at Natchitoches, writing in July-October, 1802, thus refers to Baton Rouge:⁷

⁶We are inclined to dissent from this proposition. The historians seem to agree that Spain was not an ally of the Continental Congress, but acted separately in her own selfish interests and as an ally of France alone.—Ed. *La. Hist. Qrtly.*

⁷*La. Hist. Qrtly.* Vol. 10, No. 4, p. 492. G. P. Whittington.

"Baton Rouge, which is about 125 miles above New Orleans is the first high ground you approach in ascending the river. It is a handsome bluff elevated about fifty feet above the surface of the river, the ground back as far as I could see a handsome level even with the bluff. It appears to me by far the most eligible situation for a town on the river between the mouth and the Chicaw Bluff. Vessels find no difficulty in getting up the river thus far, the banks below are cleared and low, no hills or lofty trees to intercept the wind from the sails nor difficult turns in the river, at least not so much so as the English Turn six leagues below New Orleans. Here is a small fort, dirt walls surrounded by a ditch and pickets, about thirty cannon mounted on the ramparts and about fifty men. This fort appears to have command of the river, the country back, and from this upwards a rich soil and beautifully timbered and will admit of being thickly settled.

"I kept on and arrived there before the barge, waited on the Governor whose name is Grandpree of French extraction, who was born in Louisiana, was educated in France to the profession of the law and is universally esteemed and a man of politeness, good sense and strict integrity. He is a widower about fifty years of age. His wife was a French woman, born at the Isle Enois. He speaks English, has severall children, daughters nearly grown, he received me politely, I presented him my passport from the Governor of New Orleans, he countersigned it and ask me to sit down in his hall, conversed for some time, I took my leave as I was going out of his gate he called a soldier, told him to take the place of the centinel at the gate, and directed that man who spoke English to go with me and wait upon wherever I choose until my barge came up, he did so; I went into the fort and through it, examined the situation of the bluff, the land adjacent, etc., for an hour, when the barge arrived."

Major Amos Stoddard, writing his *Sketches of Louisiana* in 1812, thus describes Baton Rouge as he knew it at the time of the Cession of 1804:

"The capital of New Feliciana is Baton Rouge, situated on the East Bank of the Mississippi, and about fifteen miles above the Iberville. * * * The inhabitants of Baton Rouge are mostly French. They formed a settlement there as early as 1722. The fort is in a ruinous condition. The officer who commands it, has the title of

governor, and administers the Spanish laws in the district."⁸

In "Sketches of a Tour to the Western Country, through the States of Ohio and Kentucky, a Voyage down the Ohio and Mississippi Rivers, and a Trip through the Mississippi Territory and Part of West Florida,"* in 1807-1809, Fortescue Cuming gives a vivid description of the Baton Rouge of early September, 1809.

He was informed that Madame LeGendre's was "the most respectable auberge" and he "accordingly stopt there, and found a number of genteel men, Frenchmen, Spaniards, English and Americans" with whom he dined, describing in detail, as Cuming always described everything, a dish of gumbo which was new to him. After a rather sleepless night, caused by mosquitoes, he gives us this charming picture of "the seat of government of the western division of West Florida":

"About half a dozen tolerably good frame (or wooden) houses scattered on an extensive plain surrounded on three sides by woods at a little distance, first made their appearance, while a dirty little town of 60 cabins crowded together in a narrow street on the river bank, penned in between the Mississippi and a low steep hill descending from the plain, filled up the fourth side. I walked through the village—it was a right French one—almost every other house being a petty shop for the sale of bread, tobacco, pumpkins and tafia (or bad rum) distilled at the sugar plantations a little lower down the river. It is a matter of astonishment how so many shops of the same kind find customers. I observed two tolerably well assorted stores, one kept by a Frenchman, the other by Mr. Egan an Irishman, to whom I carried an introductory letter from Mr. O'Connor." * * *

who, we may assume was also "an Irishman." Cuming was always fortified with letters of introduction—we wonder how he carried them all on his pedestrian tour—and he had another one to Don Gilbert Leonard, the collector, whom he did not like.

⁸Page 115.

*Published Philadelphia, 1810; pp. 311-314; reprinted as Vol. IV of Reuben Gold Thwaites "Early Western Travels," 1904, pp. 339-343.

He also dined with the Governor, Don Carlos de Grandpre, whom he found quite charming.

For a time during the French domination Baton Rouge was called Dironbourg, from the first name of its founder. The British called it New Richmond, but the name Baton Rouge, given by the French, has prevailed ever since the Galvez conquest.

The Second Battle of Baton Rouge

The fort and surrounding territory continued under Spanish domination until September 21, 1810, when Philemon Thomas with his band of flat-boatmen, wearers of coon-skin caps and adventurers, attacked the fort, and having captured it, unfurled the flag of the Florida Republic, a white star on a blue field.*

Thomas assembled a band of men at Ebenezer Church and led them against Baton Rouge. The fort was at that time in a most dilapidated condition and the forces therein greatly reduced by reason of failure on the part of the Spanish Government to pay off promptly. It was in command of De Grand Pre, a Spanish officer of French extraction who was universally liked by the people of the town. The forces led by Thomas assaulted the fort and soon penetrated it, and the attacking party called on De Grand Pre to surrender. With a most wonderful sang froid, he replied that he had nothing to surrender and was not capable of resistance against such numbers. It is recounted that during the invasion of De Grand Pre's private office, some one fired a shot that struck him in the breast and from which wound he died. His useless assassination was much decried by the people of that period. The leaders in the movement for the creation of the so-called Florida Republic treated with Madison for terms under which it might be annexed to the remainder of Louisiana, but he informed them that it was his view that it had been included in the Louisiana purchase and was already a part of the United States. Conflicting versions of the Thomas incident prevailed among the citizens of Baton Rouge, and there was considerable feeling over the episode. There were persons who looked upon

*See for an interesting discussion of this Henry L. Favrot's "The West Florida Revolution," *Publications La. Hist. Soc.*, Vol. 1, pt. 2, p. 37 and Vol. 1, pt. 3, p. 17.—J. Fair Hardin, Associate Editor.

In the above reference H. L. Favrot gives a better character to the revolutionists.—Editor *La. Hist. Qy.*

See also Cox, *The West Florida Controversy*, 151 et seq.—Ed. *La. Hist. Qy.*

the capture of the fort as a patriotic feat of arms and others who deplored the incident. It was currently rumored among the descendants of the Spanish inhabitants of the fort, that at the time of the attack the pay for the Spanish garrison here and elsewhere had been received and that the presence of the money within the fort had much to do with the incident.⁹

Thomas, often referred to as the Liberator of the Florida Republic, was born in Orange County, Va., was a member of the first constitutional convention of Kentucky, and of the Legislature and Senate of that State served in the Legislature of Louisiana and was sent by that State to the Congress of the United States, 1831-35. As a soldier he served during the Revolution and also as a Major General of Louisiana Militia, during the War of 1812. He was born February 9, 1763, moved to Louisiana in 1806, died in Baton Rouge, November 18, 1847, and is interred in the National Cemetery there.*

The territory was formally taken over by Governor Claiborne in December, 1810, and made a part of the newly created State of Louisiana. The flag of the United States was hoisted over the fort and it became a regular army post of the United States.

The Parish Created

East Baton Rouge Parish was created by an Ordinance of Governor W. C. C. Claiborne of 1811, providing that there "be established with the County of Feliciana four Parishes, whose limits shall be as follows: * * * 'all that tract of country lying between the most eastern branch of Thompson's Creek and the River Iberville and extending from the River Mississippi to the Amite shall form the second parish, to be called the Parish of East Baton Rouge'."¹⁰

The Town Incorporated

The town of Baton Rouge was formally incorporated on January 16, 1817, when the Louisiana Legislature passed an act providing that "All free white male persons above the age of 21

⁹Like Herodotus, I am merely quoting what I have been told. I was not personally present and therefore give the matter for what it is worth. Like most recorders of events I prefer to put the best construction on it, but there were old folks about the city, now dead, who were of the opinion that it was the first historical recordation of pay-roll banditry in Louisiana.

*For a complete sketch of the life of this interesting man, see "Biographical Directory of the American Congress," 2nd Ed., 1928.

¹⁰Acts of 1811 of La., p. 210.

years who are free-holders, householders or landowners, within the following limits, to-wit: from the mouth of the bayou at the upper part of the town of Baton Rouge (called Garcia's Bayou) and extending on the main branch of said bayou to the distance of 40 arpents from the Mississippi, and below commencing at the Mississippi on the town line of the tract of land claimed by Madam Marion, and pursuing the direction of said line to the distance of 40 arpents from the Mississippi, are hereby authorized to meet and elect five selectmen annually" * * *.¹¹

Under this act an election was held. The council elected met for the first time on April 13, 1818, and organized by the election of the following officers: William Williams, President of the council and ex-officio Mayor; Thomas C. Stannard, Clerk; D. E. Pintado, Treasurer and Collector, and Pierre Jautin, Police Officer. The first ordinance passed by the council related to taxes and licenses; the second provided for certain street improvements; the third directed the construction of a combined town hall and market house, and the fourth provided for the punishment of "all disorderly and drunken persons." At its third meeting the council ordered that "all bar-rooms, saloons, grog-shops, cabarets, billiard rooms and bowling alleys" be closed on Sunday, thus attesting the features of entertainment of the new town and at the same time indicating that the original French inhabitants must by this date have been largely outnumbered by the influx of Americans with their blue-law tendency. This ordinance is said to be the first Sunday law ever passed in the Mississippi Valley.¹²

Ante Bellum Baton Rouge

The town was divided into Gras, Devall, Leonard, Hickey, Hickey Duncan and Mather and Beauregard Towns. The latter was elaborately designed, with a Cathedral Square and four streets radiating, one from each corner thereof. There was what was known as the Place D'Arme, or drilling ground, where the Beauregard School now stands. It was bounded by North, East and South Boulevards, and the river. The Cathedral Square was bounded by Spain on the North, France on the South, St. Charles on the West, and Napoleon on the East. There is no such saint

¹¹Acts of 1817 of La., p. 12.

¹²Fortier's Cyclopedic Sketches of La., 1914, Vol. 1, p. 73. Biographical and Hist. Memoires of La., 1892, Vol. 1, p. 230.

as "Saint Napoleon," and the naming of the streets "Saint" Napoleon and "Saint" Maximillian is an error on the part of a sign painter who received instructions to paint corner signs for the streets. He was given a list which read from the river, St. Charles, St. Joseph, etc., and the prefix "St." became confused with the abbreviation "St.", with the result that he canonized Napoleon Bonaparte, the last Emperor of Mexico, and King Ferdinand of Spain, none of whom have yet achieved that high dignity, nor are likely to, and no one has taken the trouble to correct the error to this day. The Cathedral Square was later cut in half by Government Street.

Spanish Town was that part of the city lying contiguous to what had been the Spanish garrison. Boyd Avenue was formerly Spanish Town Road, and, before that, El Camino Real, or the King's Highway.

In 1833 there were but three brick stores in the town, and Lafayette Street was the only street other than Front Street, which had no other name. There were altogether but ten stores. Of the families surviving that period there are now the Knox, the Sheppers and the Favrots. There were three small churches. The market stood in the middle of the North Boulevard, where the Confederate Monument now stands.

The seat of government was moved to Baton Rouge in 1846, in accordance with the Constitution of 1845,¹³ the Capitol, started in 1847 and completed in 1848, and this naturally gave an impulse to building. The Harney House, now the Hotel Louisiane, was built in 1849. The building now occupied by the School for the Deaf was started in 1853 and finished in 1856. The old Court House was finished in 1856, to be supplanted only by the present building. The penitentiary was begun at the same time as the old court house, torn down in 1918, and made the site of Victory Park.

On January 26, 1861, the State of Louisiana seceded from the Union and the State National Guard having taken over the fort, they hoisted thereon the flag of the State of Louisiana, which retained the stripes of the national emblem but held but one yellow star in the blue field as emblematic of a single and sovereign state.

¹³Art. 112 Cons. of 1845.

In February, 1861, the State entered the Confederacy and the Stars and Bars floated over the fort until its recapture in 1862 by the Federal forces under Williams and Farragut and the re-admission of the State in 1865.

At this time was fought the Third Battle of Baton Rouge when Breckenridge led his Confederate forces against the army of Williams and the fleet of Farragut without obtaining any decisive advantage.

The Third Battle of Baton Rouge August 5, 1862.

General Breckenridge left Camp Moore on the 1st day of August, 1862, with a force of nearly 4,000 Kentuckians, Tennesseans, Mississippians and Louisianians, and having marched through Greensburg and crossed the Amite at William's Bridge, camped at Greenwell Springs. At daylight on the morning of August 5, the townspeople heard the firing of guns and knew that a battle was in progress. The battle was fought in the territory bounded on the North by North street and on the South by Government street and from where the Community Club now stands eastward. The Federal troops that were camped in and about the city immediately retreated and took refuge under the hill and Farragut's fleet began shelling the Confederate troops in the rear of the city. The Federal picket line followed a line about the same as now described by Dufrocq street and began falling back when the Confederates attacked. The Confederate force engaged numbered 2200 men and 11 pieces of artillery, the Federal force was reported to have been about 4500 men and 18 pieces of artillery. The principal Federal force was the fleet in the river which could not be reached except with long ranged and heavy calibered guns, but could inflict great damage by throwing shells where needed. The ram Arkansas that was scheduled to come down and attack the fleet while the land forces attacked, failed to operate, became unmanageable at a point up the river and was blown up to prevent her capture. Lack of cooperation on the river made the land battle ineffective. When the ram failed to show up, Williams retired his troops eastward and the battle was abandoned. Henry Watkins Allen, afterward Governor of Louisiana, was wounded in this battle and Lieutenant Todd, a nephew of Mrs.

Lincoln, was killed. General Clark, who afterward became a governor of Mississippi, was also wounded in this battle. The Confederate forces later joined the forces defending Port Hudson. The Confederate general reported 468 men killed, wounded and missing, and the Federal loss was equally as great if not greater, as it was this battle that led to the making of the local National Cemetery.

LOUISIANA
1 2 3 4 5 6 7 8 9

Nine Letters and Nine Flags¹⁴

Of all the portions of the present State of Louisiana, no portion thereof has seen so many flags fly from time to time as the emblem of the ruling power in charge of its destinies. The epochs in the history of Baton Rouge may be briefly related as follows:

French Domination. (1682) Robert Cavalier de LaSalle. Born in Rouen, France, in 1643, and known as the Prince of American Explorers, came down the Mississippi River from the North. (1699) Pierre Lemoyne Sieur D'Iberville. Born in Canada in 1661. Came up the Mississippi River from the South. The flag of that period was the Fleur de Lys of France, yellow fleur de lys, flecked on a white shield. Remained under French domination until 1763.

English Domination. (1763) Remained under English domination until 1783. The flag was that of England, the crosses of St. George and St. Andrew, crossed.

Spanish Domination. (1783) Captured from the English by Don Bernardo de Galvez, one of the world's greatest military geniuses, considering his age and facilities at hand. History records the first battle of Baton Rouge as having been fought on September 21, 1779, but other records show the first gun in the siege of Baton Rouge to have been fired on September 23. Remained under Spanish domination until 1810. The flag was the Spanish flag of that period, bearing the Arms of Castille.

The Florida Republic. Captured from the Spaniards by Philemon Thomas and a nondescript following and became part

¹⁴The writer has all the flags of Louisiana, nine in number, in replica, for display and for the instruction of those who fail to appreciate the wonderful historic wealth of which we are so prolific.

of the United States in December of that year. The flag of the Florida Republic was a large white star on a blue field.

Second French Domination. (1803) At that time all of Louisiana was receded to France by Spain in order that Napoleon could sell it to Jefferson, but in the retransfer the district of Baton Rouge was not included as it had been taken from England by force of arms and was not included in the recession. The flag was the Tri-Color of France, the same as it is today.¹⁵

The United States of America. (First Domination.) (1810) Made a United States Garrison with the flag of that period, seventeen stars and seventeen stripes and remained so until January 6, 1861.

The Sovereign State of Louisiana. (1861) On January 6, 1861 the State seceded from the Union and became a separate and distinct state until February of that year. The flag of the State of Louisiana of that period was the same as that of the United States with the exception that there appeared but one large yellow star in the blue field.

The Confederate States of America. In February 1861 the State of Louisiana cast its lot with the Confederacy and so remained until 1862, when the Battle of Baton Rouge returned it into Federal hands and 1865 when it was readmitted into the Union. The flag of that period was the Stars and Bars of the Confederacy known as the Bonnie Blue Flag.

The United States of America. (1865) On readmission to the Union the State resumed the Stars and Stripes.

Some years after the close of the Civil War the fort was dismantled and the garrison and grounds were later turned over to the State of Louisiana by the National Government to be used as the site of the Louisiana State University¹⁶ and is still used in connection with that institution, although the greater portion of the plant has been removed to the Greater Agricultural College below the city.

¹⁵We disagree with this statement for it appears to us untenable in fact and contradicted by the preceding statement. Granted that the Baton Rouge District was not included in the recession by Spain to France, then it remained *Spanish* and not French territory. There was no exercise of any dominion by France, but the officials were Spanish, both at Natchez and Baton Rouge.—J. Fair Hardin, Ed.

¹⁶Loaned July 12, 1886, 24 Stat. L. Chap. 765. Act 97 of 1886 p. 132 of La. Donated April 28, 1902, 32 Stat. at L. Chap. 596 ,p. 172.—Ed. La. Hist. Qrtly.

Famous Visitors

During its occupancy as a United States garrison, the fort was visited by some of the most distinguished personage in American history, and Col. D. F. Boyd for so many years President of the University, compiled from the records of the old garrison, the account that it harbored at some time Wilkinson and the first Wade Hampton of revolutionary times; it was the home of Gaines, Jesup and Taylor of the War of 1812. Winfield Scott, the conqueror of Mexico, was a lieutenant of artillery there. It was visited by the Marquis de Lafayette in 1824 and by Andrew Jackson later. It was the home of Zachary Taylor when he was called to the presidency of the United States and of his son Dick Taylor of Confederate Army fame. It at some time harbored Grant and Lee, Sherman and Stonewall Jackson, McClellan, the Johnstons, Bragg and Rosecrans, Longstreet and Harney, George H. Thomas and Beauregard, Forrest and Phil Sheridan, Hardie and Hood, Hancock and Custer, Admiral Porter and Bishop General Polk. It saw such civilians as Boré, Clay and Calhoun and both Lincoln and Jefferson Davis.

W. T. Sherman was the president of the State University when the Civil War broke out¹⁷ and frequently visited Gov. Thomas O. Moore here. He cast his lot with the North and his intimate knowledge of the Southern people prompted his famous "March to the Sea." In recent years one of the distinguished visitors was President W. H. Taft, and President Harding made a short stop in the historic place.

Historic Landmarks

In the old Catholic cemetery may be found the grave of Robert Kane Morris, a grandson of Robert Morris, a signer of the Declaration of Independence and the first Treasurer of the United States. Young Morris died of the cholera while on a steamboat in transit from the North to New Orleans and his remains were brought ashore at this point and buried.

In the National Cemetery is the grave of Philemon Thomas, a soldier of "76" and "14." It was originally located in the old American cemetery contiguous to the garrison, but was in recent years removed with other remains to the National Cemetery.

¹⁷The University was then located at Alexandria, La. See Mr. Hardin's paper in *La. Hist. Quarterly*, 11, 1—January, 1928.—Ed. *La. Hist. Qrtly*.

In the Highland cemetery below the city are the remains of Don Pedro Jose de Favrot, captain of the First Company Second Battalion of the Galvez Expedition, who had seen service for many years under the preceding French regime, and was made the first Commandant of the fort by Galvez. In the same grave are the remains of his son T. Philogene Favrot, an Ensign in the 24th Infantry, U. S. A., commissioned by President Madison in 1812.

Among some of the historic land-marks that dot the grounds of the old garrison, may be found the stone marking the place of residence of Zachary Taylor when he was called to the Presidency of the United States. It was long said by the older residents that at that time one had to pay for his mail on delivery instead of paying in advance as is now the case. One morning General Taylor found an exceedingly heavy mail awaiting him at the postoffice. He refused to pay the amount demanded by the postmaster for several days and only withdrew the bulky mail when reports had spread that this correspondence advised him of his nomination and virtual election.

In the grounds can also be seen a mound of earth surmounted by a conical object about four feet in diameter and resembling an old fashioned shell. Instead of being a missile to be hurled from some gigantic cannon, a closer inspection reveals it to be an inverted kettle, topping the mound, and investigation reveals that it is the original kettle in which Etienne de Boré granulated the first sugar made in Louisiana in 1794. It is preserved as a relic in connection with the Sugar School of the State University.

In the assembly hall of the old university have been collected a number of paintings showing a majority of the presidents of the United States and still others connected with the history of the grounds and of the university. Some of the paintings, such as the equestrian painting of Lee and Jackson, are said to have great artistic and historic merit.

On the northern boundary of the grounds is a mound of earth many feet in height and circular both at top and base. It dominates University Lake once an inlet from the river and known as the Garrison Bayou. Whether it was originally constructed as a part of the fortifications or is of Indian origin, has never been definitely established. Near the Mound is the old arsenal where the powder was stored at some distance from the

inhabited sections of the old garrison. There are also to be seen the remains of the garrison chapel and the bomb-proof subterranean refuge of the women and children.

Where the New Agricultural College now stands was the plantation of Prince Murat a cousin of Napoleon who came and after remaining a while left the place leaving behind a lot of furniture to settle the debt of the purchase price of the plantation.

Where the Heidelberg Hotel now stands once stood the home of Leon Bonnetaze, the Consular Agent of France, who acted as host to the Marquis of Lafayette when he visited Baton Rouge in the early part of the eighteenth century. Here Lafayette was harbored in the official consular mansion and from that point he was carried in state to the then garrison for the public ceremonies, and the street still bears his name.

At approximately the spot where once stood the Red Stick, now stands the Capitol of the State of Louisiana. Erected in 1847, destroyed by fire while used as a Federal Prison during the war, and reconstructed in the early eighties, the affairs of the State still revolve around the historic spot.

The State Capitol, constructed in 1847 after the plans of Daquin a French architect and fashioned after the style of a medieval castle, is one of the most striking examples of Gothic architecture on this side of the ocean. From time to time changes have been made thereto, but in the main it remains unique and peculiar for the edification of those who will take the trouble to work out its interesting design and appointments. It seems like a jewel plucked from the soil of Europe and transplanted to the soil of Louisiana in the New World. The fence around the capitol square offers equal opportunity for investigation, being in keeping with the house which it surrounds. In it may be seen the faces of the Romans, the Eagle of Napoleon, the quatrefoils and cinquefoils of Gothic architecture. And all within grow the magnolia trees which bear the state flower.

Within the enclosure of the Capitol grounds, beneath a dignified monument erected by his devoted people, lie the remains of Henry Watkins Allen, a sugar planter of "Allendale", his plantation in West Baton Rouge Parish, who was elected Confederate Governor of Louisiana while a Brigadier of the Confederate Army in the Shiloh campaign. After his inauguration

at Shreveport, then the Confederate Capital of the State, on January 25, 1864, he filled this office as heroically as he had served as a soldier. After addressing his farewell message to his people from Shreveport on June 2, 1865, he passed into exile into Mexico, where he died on April 22, 1866. Later his remains were removed to rest beneath the sod of the State he loved so well, and beneath an epitaph chosen by him from a tribute of a friend's letter written to him from Shreveport in November, 1866: "Your friends are proud to know that Louisiana had a Governor who had an opportunity of securing a million dollars in gold, and yet preferred being honest in a foreign land without a cent."

The City of the Present

On the river commanded by its bluff, where once floated the canoe of the Indian, the pirogue of the Canadian boatman, the flat-boats of the Western river men, the steamboats made famous by Mark Twain, can now be seen the steamships of all nations, from all ports in the civilized world, bearing their cargoes to and from one of the world's greatest oil refineries.

Municipal docks of the most modern type, care for the movement of river traffic in a now rapidly expanding utilization of the Mississippi for inland transportation. Perhaps the dreams of the early explorers in their mad endeavor to have and to hold this strategic section, were not entirely visionary and they may have been building better than they knew.

In these days of commercial development, one may well look back on how it all started and doing so discover that the record has been true and that there must have been some pre-destined plot that while working out the problem of human endeavor, made this place famous both in story and in song.

Certainly Nature predestined the spot which it marked by so conspicuous a landmark for coming years, but confirmed what the Romans might have expected of this natural phenomena. Beside serving in the days of the aborigines as a spot where tribal councils assembled, it marked the spot where the capitol of the State of Louisiana now stands and where the councils of the people of Louisiana biennially assemble. Moreover, it marked what is one of the most historic spots on the American continent. No spot in these United States can lay claim to being more sought after when the European nations fought over the

mastery of the Mississippi River as the key to the trade of the American continent. Even in the modern Mississippi River development may be seen that the perspicacity of the discoverers was not at fault, as it is today the headwaters of deep water navigation on the Father of Waters. Gifted by Nature with all the essentials of mercantile and military prestige, it was deemed more important as a strategic point than all other points along the great river, and the fact that it was three times the field for contending factions, seems to indicate that its location and topographical contour made it pre-eminently the key to situation in military mastery.



WEST FLORIDA

Documents Covering a Royal Land Grant and Other Land Transactions on the Mississippi and Amite Rivers during the English rule.

EDITORIAL NOTE

The documents printed herewith are in the custody of the Louisiana State Museum and by its courtesy are reprinted in the Quarterly. They are as follows:

- I. Patent from George III to Daniel Hickey for a tract of 500 acres on the Mississippi River near Baton Rouge, dated September 6, 1768.
- II. Lease from Montfort Browne to Daniel Hickey of a tract of 300 acres in the District of Manchack, April 1, 1776, with right of reversion.
- III. Sale by John Allen Martin to Elihu Hall Bay of 750 acres of land near the Amite River, March 2, 1776, together with photostat of original plat of survey of the last mentioned tract.

These interesting documents have been transcribed from the originals in the Cabildo at New Orleans. One covers a Grant of land by King George III of England, situated in what is now East Baton Rouge but which at the date of the Grant was a part of the British Province of West Florida. The other documents are a lease of a tract at Manchac and a sale of land during the English Rule on the Amite River.

The documents are printed in the order of their dates. The first and second papers form part of the H. G. Morgan Collection. Mr. Morgan who resides in New Orleans, is a descendant of the original purchaser and lessee. The third paper was presented to the Museum by Mrs. Jesse Benedict Gessner, a lawyer of New Orleans, who received the same from her father, the late W. S. Benedict, for many years a leading member of the bar of that City.

It is proper to add, that the original documents are in a good state of preservation. They are written on parchment, and a description of the Gessner document gives a fair idea how well the records of that period were produced. This is a single sheet of parchment, nearly twenty-eight inches long by eighteen in width. The writing extends in unbroken lines across the page, each line twenty-six inches long. The penmanship is splendid, the words large and clear and the ink is as fresh as though it were written yesterday, notwithstanding it was executed in Pensacola, Florida, March 2, 1776. In the original the lines follow one another without a break, but for the benefit of the eyes of our readers, we have paragraphed it without, however, changing in any other particular the form of this old act.

There is attached to this Deed (and also on parchment) a plan or sketch of the location and this we present in engraved fac-simile not only for its curious value but because it describes the land and its trees and shows that in our ancient days the surveyors depended on the latter for their bournes and marks, very much as it was done by their official successors, up to a very recent date, if indeed they are not doing it now.

We trust that these old deeds and the plat of survey may interest some of the able land lawyers and surveyors of East Louisiana and that they may be stirred to throw light on the present Parish location of the tracts.

These elaborate indentures are cast in the best form of the old common law procedure. They differ essentially from contemporary French and Spanish deeds. It is this difference that preserves our interest in the work of this skilful draftsman of the English period, who toiled at his humble task, little dreaming that posterity would study his work with the same care that he expended upon it, for these old records are in truth, contributions to the history of the time when King George of England was King of East Louisiana.

HENRY P. DART.

I

PATENT

West Florida. SS

GEORGE the third by the Grace of God, of Great Britain France and Ireland King, Defender of the Faith and soforth: To all to whom these presents shall come, GREETINGS KNOW YE that we of our special Grace & certain knowledge and mere motion have given and granted, and by these presents for us Our Heirs and Successors

DO GIVE AND GRANT unto Daniel Hickey his Heirs and Assigns, all that Tract of Land situated on the River Mississippi about Six Miles below the French Settlement of point-Coupe, butting and bounding southerly on Lands granted and laid out unto Thomas Acken, and westerly on the River Mississippi, and on all other sides on Vacant Lands in Our province of West Florida, and having such shape, Form, and marks both natural and artificial, as are represented in the plat thereof hereunto annexed, as drawn by Our Surveyor-general of Lands, which said Tract of Land contains Five hundred Acres, and is bounded as in and by the further Certificate hereunto likewise annexed, Under the hand of Our said Surveyor-general of Lands, in our said province may more fully and at large appear: Together with all Woods, Underwoods, Timber, and Timber Trees, Lakes, Ponds, Fishings, Water, Water-Courses, Profits, Commodities, Heriditaments, and Appurtenances whatsoever thereunto belonging, or in anywise appertaining; together also with privilege of Hunting, Hawking and Fowling in and upon the same. And all mines, and minerals; reserving to us our Heirs and Successors all mines of Gold and silver

TO HAVE AND TO HOLD the said Tract of Land, and all and singular the premises hereby granted, with the Appurtenances unto the said Daniel Hickey his Heirs and Assigns forever in free and Common Soccage; yielding and paying unto us Our Heirs and Successors or to the Receiver-general of Our Quit-Rents for the Time being or to such other officer as shall be appointed to receive the same Quit-Rent of One Halfpenny Sterling per Acre at the Feast of St. Michael every year, the first payment to Commence on the Said Feast of St. Michael which shall first happen after the expiration of two Years from the date hereof or within fourteen days after the said Feast annually.

PROVIDED ALWAYS and this present Grant is upon Condition, nevertheless, that the said Daniel Hickey his Heirs or Assigns shall and do within three Years after date hereof, for every fifty acres of plantable Land hereby granted, clear and Cultivate three Acres at least in that part thereof which he or they shall judge most convenient and advantageous or else do clear and drain three acres of Swampy or Sunken Ground: or do drain three acres of marsh, if any such shall be contained therein, and shall further within the Time aforesaid put and keep upon every fifty acres thereof accounted barren, three Neat Cattle and continue the same thereon until three acres for every fifty acres be fully cleared and improved; and if it shall so happen that there be no part of the said Tract of Land fit for present Cultivation without manuring and improving the same if the said Daniel Hickey his Heirs or Assigns shall within three Years from the Date hereof, erect on some part of said Tract of Land one good dwelling house to contain at least Twenty feet in length and sixteen feet in Breadth, and put on his said Land the like number of three Neat Cattle as aforesaid on every Fifty Acres therein contained; & otherwise if any part of the said Tract of Land shall be Stoney or Rocky ground, not fit for Culture or pasture, shall and do within three years as aforesaid, besides erecting the said House, begin to employ thereon and continue to work for three years then next ensuing in digging any Stone Quarry or Mine One good and able hand for every hundred acres thereof, it shall be accounted a Sufficient Cultivation and improvement.

PROVIDED ALSO that every three acres, which shall be cleared and worked, or cleared and drained as aforesaid shall further be accounted a sufficient seating, planting, Cultivation and improvement to save forever from forfeiture Fifty Acres of Land in any part of the Tract hereby granted. And the said Daniel Hickey his Heirs and Assigns shall be at liberty to withdraw his Stock, or to forbear working in any Quarry or Mine in porportion to Such Cultivation and improvements aforesaid as shall be made upon Plantable Lands, Swamps, Sunken Grounds, or Marshes therein contained.

PROVIDED ALSO that this Grant shall be duly Registered in the Registers Office of this province within six months from the Date hereof, and also that a Docket thereof shall be entered

in the Auditors Office within the same time if such establishment shall take place in this province.

PROVIDED ALWAYS that the said Daniel Hickey his Heirs and Assigns at anytime hereafter, having, seated, planted, Cultivated and improved the said Land or any part thereof according to the directions and Conditions above mentioned may make proof thereof such seating, planting, Cultivation and improvement in the General Court, or in the Court of the County, District or precinct where the said Land lieth; and have such proof certified to the Register's Office and there entered with a Record of this Grant, a Copy of which duly attested shall be admitted on any Tryal to prove the seating and planting of said Land

PROVIDED ALWAYS, nevertheless that if the said Daniel Hickey his Heirs and Assigns do not in all things fully comply with and fulfill the respective Directions and Conditions herein above set forth for the proper Cultivation of the said Land within the Time herein above limited for the Completion thereof; or if the said Daniel Hickey his Heirs or Assigns shall not pay to us Our Heirs and Successors or to the Receiver-general of Our Quit-Rents, or to the proper officer appointed to Receive the same, the said Quit-Rent of one halfpenny Sterling an Acre on the said Feast of St Michael or within fourteen days after annually for every acre contained in this Grant, that then and in either of these cases respectively this Grant shall be void; anything herein contained to the Contrary notwithstanding; and the said Lands, Tenements, Heriditaments and premises hereby specified and every part and parcell thereof, shall revert to us Our Heirs and Successors, fully and absolutely, as if the same had never been granted.

GIVEN under the great Seal of Our province of West Florida, WITNESS our trusty and all beloved Montfort Browne Esquire our Lieutenant Governor and Commander in Chief in and over Our said province at Pensacola this Twenty Ninth day of November in the Year of Our Lord One thousand seven hundred and sixty eight and in the Ninth Year of Our Reign.

Signed in Council

the 6, December 1768

(Signed) Frank Poussett D.C.C. (Signed) Montfort Browne.

Reverse side

GRANT .
DANIEL HICKEY
500 ACRES

St Helena Land office

Recorded in the office of the Register and
Receiver for the Western district in Lib. A
No. 3. fol. 241 &c.

(Signed) A. Herault Clk.

II

LEASE WITH RIGHT OF REVERSION

THIS INDENTURE made this First day of April in the year of our Lord One Thousand Seven hundred and Seventy Six and in the Sixteenth year of the Reign of Our Sovereign Lord George the third by the Grace of God of Great Britain France and Ireland King Defender of the Faith and soforth.

Between his Excellency MONTFORT BROWNE Esquire Governor of his Majesties Bahama Islands by John Stephenson of the Towne of Pensacola in the Province of West Florida Esquire his true and lawful Attorney of the one part and DANIEL HICKEY of the District of Manchack in the Province aforesaid gentleman of the other part.

Witnesseth that the said Monfort Browne by his Attorney aforesaid for and in Consideration of the Sum of five Shillings of lawful Money of Great Britain to him in hand paid by the said Daniel Hickey the Receipt whereof is hereby acknowledged Hath granted bargained and sold and by these presents Doth grant bargain and sell unto the said Daniel Hickey.

All that Tract Piece or parcel of Land being part of a Tract of Seventeen thousand four hundred Acres of Land granted to him the said Montfort Browne by Letters Patent under the great Seal of the Province of West Florida aforesaid on the East side of the River Mississippi at a place commonly called and known by the name of Browne's Clifts.

Beginning for the part hereby bargained and sold at a White Oak Tree standing on the East Bank of the River Mississippi being the Southwest Corner of the said Seventeen thousand four hundred Acre Tract thence running due East along

the Southerly Line of said last mentioned Tract one hundred and Twelve Chains and Twenty four Links to Beach Tree Blazed thence running North Twenty Eight Chains and Six Links to a Point in said Tract thence running West one hundred and Twelve Chains and Twenty four Links down to the River Mississippi aforesaid thence down said River as it winds and turns to the Beginning aforesaid so as to contain the full Quantity of Three hundred Acres of Land with an allowance of five Acres for every hundred for Roads and Highways and the Reversion and Reversions Remainder and Remainders Rents and Profits of the said Premises above mentioned with their and every of their Appurtenances.

TO HAVE AND TO HOLD the said Three hundred Acres of Land Hereditaments and premises above mentioned and every part and parcel thereof with their Appurtenances unto the said Daniel Hickey his Executers Administrators and Assigns from the day next before the day of the date of these presents for during and until the full end and Term of one whole year from thence next ensuing and fully to be compleat and ended Yielding and paying therefor at the expiration of the said year one pepper Corn if the same shall be lawfully demanded.

To the Intent that by virtue of these presents and by force of the Statute made for transferring of Uses into Possession he the said Daniel Hickey may be in the Actual Possession of all and singular the said Premises above mentioned and be thereby enabled to accept of and take a Release of the Reversion and Inheritance thereof to him and his Heirs to the only proper Use and Behoof of the said Daniel Hickey his Heirs and Assigns forever.

In Witness whereof the said Parties to these presents have hereunto set their hands and Seals the day and year above written.

(Signed) Montfort Browne.

by John Stephenson
his attorney.

Reverse side.

SEALED AND DELIVERED IN THE PRESENCE OF

Henry Beaumont

Elihu Hall Bay

1st APRIL 1776

110 April 1776, proved by oath of
H. Beaumont, before P. L

to

Lease for
a Year of
300 Acres
of Land
on Brownes
Clifts

Mr Daniel Hickey....

St Helena Land Office

Registered in the office of the Reg. & Re.
for the western district in L.E.A. No 3.
fol. 248 &c

Signed A Herault Clk

Written on vellum

size 18 x 12

Written on vellum

size 22 x 14

Attached a large Seal

4 $\frac{3}{4}$ ' x 4 $\frac{3}{4}$ '

On face

Lion & Unicorn holding Crest sur-
mounted with Crown, inscription
not decipherable.

On reverse side as follows

"Sigillum Province Florida

Occidentalis (this is around the Seal
and imprint of water & trees on face)

Under imprint

"Meliorirus Utere

Fatis.

III

SALE

2 March 1776

JOHN ALLEN MARTIN Esquire :

Release for 750 Acres of Land

to

: (?)

on Brace's or the Three Creeks

ELIHU HALL BAY Esquire :

Dors 5-6

THIS INDENTURE made this Second Day of March in the Year of our Lord one thousand seven hundred and seventy Six and in the Sixteenth Year of the Reign of Our Sovereign Lord George the Third by the Grace of God of Great Britain France and Ireland King Defender of the Faith and Soforth.

BETWEEN John Allen Martin of the Town of Pensacola in the Province of West Florida Esquire of the one part and Elihu Hall Bay of the said Town of Pensacola and Province aforesaid Esquire of the other part WITNESSETH that WHEREAS His present Majesty King George the Third in and by His Letters Patent under the Great Seal of the Province of West Florida bearing Date the Twelfth Day of February in the Year of Our Lord one thousand seven hundred and seventy six Did Give and Grant unto the above named John Allen Martin his Heirs and Assigns.

All that Tract of Land Situated on the East side of the River Amit about four Miles back from the said River upon a Creek called the Three Creeks Butting and Bounding South-westerly on Land Surveyed out unto Joseph Blackwell and on all other sides by vacant Land containing one thousand acres as by the said Letters Patent together with the Plat and Certificate under the Hand of the Surveyor General of Lands for the Province aforesaid thereunto annexed and the Record thereof in the Secretary and Registers office for the Province Aforesaid in Lib A No. 3 page 131 reference being thereunto had may more fully and at large appear.

NOW THEREFORE THIS INDENTURE WITNESSETH that the said John Allen Martin for and in Consideration of the Sum of One Thousand Spanish Milled Dollars of the value of Two Hundred and Thirty three Pounds Six Shillings and Eight Pence Lawful Money of Great Britain to him in Hand paid by the said Elihu Hall Bay at or before the ensealing and delivery

hereof the Receipt whereof is hereby acknowledged and thereof and of every part and parcel thereof doth hereby acquire release and discharge him the said Elihu Hall Bay, His Heirs, Executors, Administrators and Assigns forever by these Presents.

Hath Granted Bargained Sold Aliened Released and Confirmed and by these Presents Doth clearly and absolutely Grant Bargain Sell Alien Release and Confirm unto the said Elihu Hall Bay (in his actual possession now being by Virtue of a bargain and sale to him thereof made for one whole Year by Indenture bearing Date the Day next before the Day of the Date of these Presents and by force of the Statute made for transferring of uses into Possession) and to his Heirs and Assigns forever.

All that Tract Piece or Parcel of Land being part of the aforesaid One Thousand Acre Tract Beginning at a Laurel Tree marked I.A.M.3.X. being the Southeast corner of said one thousand Acre Tract Thence running North Forty Degrees West along the Northeasterly Line of said Tract Seventy five Gunters Chains to a point in said Line thence running South Fifty Degrees West down through said Tract one hundred Chains to the South West Line thereof thence running South Forty Degrees East along said last mentioned Line Seventy Five Gunters Chains to the Southwest corner of said Tract thence along the South East Line of said One thousand Acre Tract one Hundred chains to the Beginning aforesaid so as to contain the full Quantity of Seven hundred and Fifty Acres of Land which said tract hereby released and Conveyed will more fully and Clearly appear by a true Copy of the Original Plat of said one thousand Acres of Land hereunto annexed and the Southeasterly proportion thereon marked **Elihu Hall Bays 750 Acres** to which said Plat for greater certainty reference is hereby made Together with all Houses OutHouses Buildings Orchards Gardens Lands Meadows Commons Pastures Feedings Trees Woods Underwoods Ways Paths Waters Water Courses Profits Commodities Advantages Emoluments and Hereditaments whatsoever to the said Seven hundred and fifty Acres of Land belonging or in any wise appertaining.

And also the Reversion and Reversions Remainder and Remainders, Rents and Services of All and Singular the said Premises above mentioned And of every part and parcel thereof with their and every of their appurtenances And also all the

Estate Right Title Interest Claim and Demand whatsoever both in Law and Equity of him the said John Allen Martin of in and to the same and of in and to every part and parcel thereof with the appurtenances. And also all Deeds, Evidences and Writings touching or concerning the said premises or any part thereof.

TO HAVE AND TO HOLD all and singular the said seven hundred and fifty acres of Land Hereditaments and premises above mentioned and every part and parcel thereof with their and every of their appurtenances unto the said Elihu Hall Bay his Heirs and Assigns to the only proper use and behalf of the said Elihu Hall Bay, his Heirs and Assigns forever.

And the said John Allen Martin for himself his Heirs and Assigns doth hereby Covenant Promise Grant and Agree to and with the said Elihu Hall Bay his Heirs and Assigns that he the said John Allen Martin now is the true lawful and rightful owner of all and singular the said seven hundred and fifty Acres of Land Tenements Hereditaments and Premises above mentioned and of every part and parcel thereof with the appurtenances and Lawfully and Rightfully seised in his own Right of a good sure perfect absolute and Indefeasible Estate of Inheritance in fee Simple of and in all and singular the said premises above mentioned with the appurtenances without any manner of Condition Mortgage Limitation of Use and uses or other matter cause or thing to alter change charge or determine the same.

And also that he the said John Allen Martin now hath good Right full Power and Lawful Authority in his own Right to Grant Bargain Sell and Convey all and Singular the said seven hundred and fifty Acres of Land Tenements Hereditaments and Premises above mentioned with their and every of their appurtenances unto the said Elihu Hall Bay his Heirs and Assigns to the only proper use and behoof of the said Elihu Hall Bay his Heirs and Assigns forever according to the true Intent and meaning of these Presents.

And also that he the said Elihu Hall Bay his Heirs and Assigns shall and may from time to time and at all time hereafter peaceably and quietly have Hold Occupy Possess and enjoy all and singular the said seven hundred and fifty Acres of Land Tenements Hereditaments and Premises above mentioned with the appurtenances without the Let Trouble Hindrance Molestation Interruption or Denial of him the said John

Allen Martin his Heirs or Assigns and of all and every other Person or Persons whatsoever and freed and discharged of and from all former and other Bargains Sales Gifts Grants Leases Mortgages Judgments Executions Rents and Arrearages of Rent and of and from all other Charges Estates Rights Titles Troubles and Incumbrances whatsoever had made Committed done or suffered or to be had made committed done or suffered by the said John Allen Martin or any other Person or Persons whatsoever claiming or to claim by from or under him them or any of them.

And further that he the said John Allen Martin and his Heirs and all and every other Person and Persons and his and their Heirs any thing having or claiming in the said Premises above mentioned or any part thereof by from or under him shall and will from time to time and at all times hereafter upon the reasonable request and at the Proper Costs and Charges in the Law of the said Elihu Hall Bay his Heirs or Assigns make do and Execute or Cause to be made done and Executed all and every such further and other Lawful and Reasonable Act and Acts Thing and Things Device and Devices in the Law whatsoever for the further better and more perfect Granting Conveying and Assuring of all and Singular the said Premises above mentioned with the appurtenances unto the said Elihu Hall Bay his Heirs and Assigns to the only proper use and behoof of the said Elihu Hall Bay his Heirs and Assigns forever as by the said Elihu Hall Bay his Heirs or Assigns or his And their Counsel learned in the Law shall be reasonably Devised Advised or Required.

IN WITNESS WHEREOF the said parties to these Presents have hereunto Interchangeably Set their Hands and Seals the Day and Year first above written.

(EDITOR'S NOTE—The sheet is here folded 11½ inches and on the outside of this fold appears the signature
(Seal) J. A. MARTIN.

The folded part extends the whole width of the deed bound together with dark green tape spaced at intervals across the sheet. Each tape being sealed in red wax with the flap of the tape brought down on the wax. Alongside the signature is a plain red wax seal.)

Below the foregoing and on the reverse of the deed appears the following:

Sealed and delivered in the presence of us Note the words **containing one thousand acres** between the fifth and sixth lines of the within Indenture interlined before sealing and delivering

(Signed) WM. WILLIAMS

HENRY BEAUMONT

Received of and from the within named Elihu Hall Bay the sum of one thousand Dollars being in full for the amount of the Consideration Money within mentioned.

Witnesses:

(Original Signed)

WM. WILLIAMS

J. A. MARTIN

HENRY BEAUMONT

West Florida SS BE IT REMEMBERED that on the Tenth Day of September in the year of our Lord one thousand seven hundred and seventy six Appeared before me The Honorable William Clifton Esquire Chief Justice of His Majesty's Province of West Florida Henry Beaumont one of the Subscribing Witnesses to the within Instrument who being duly Sworn on the Holy Evangelists of Almighty God did depose and say that he saw the within named John Allen Martin sign seal and Deliver the within Instrument and also Sign the Certificate under the plat hereunto annexed and the Receipt herein Endorsed as his Voluntary Act and Deed for the Uses and purposes therein mentioned and that the names Wm. Williams and Henry Beaumont are respectively the proper Hands writing of the said William Williams and of him this Deponent and were so set and Subscribed as Witnesses thereto at the time of the Signing and Executing thereof and I having Inspected the said Instrument Certificate and Receipt and finding therein no material Erases Interlineations or obliterations Except those taken Notice of before Sealing and Delivery thereof do hereby Certify the same and allow them to be recorded.

(Original Signed) W. CLIFTON, C. J.

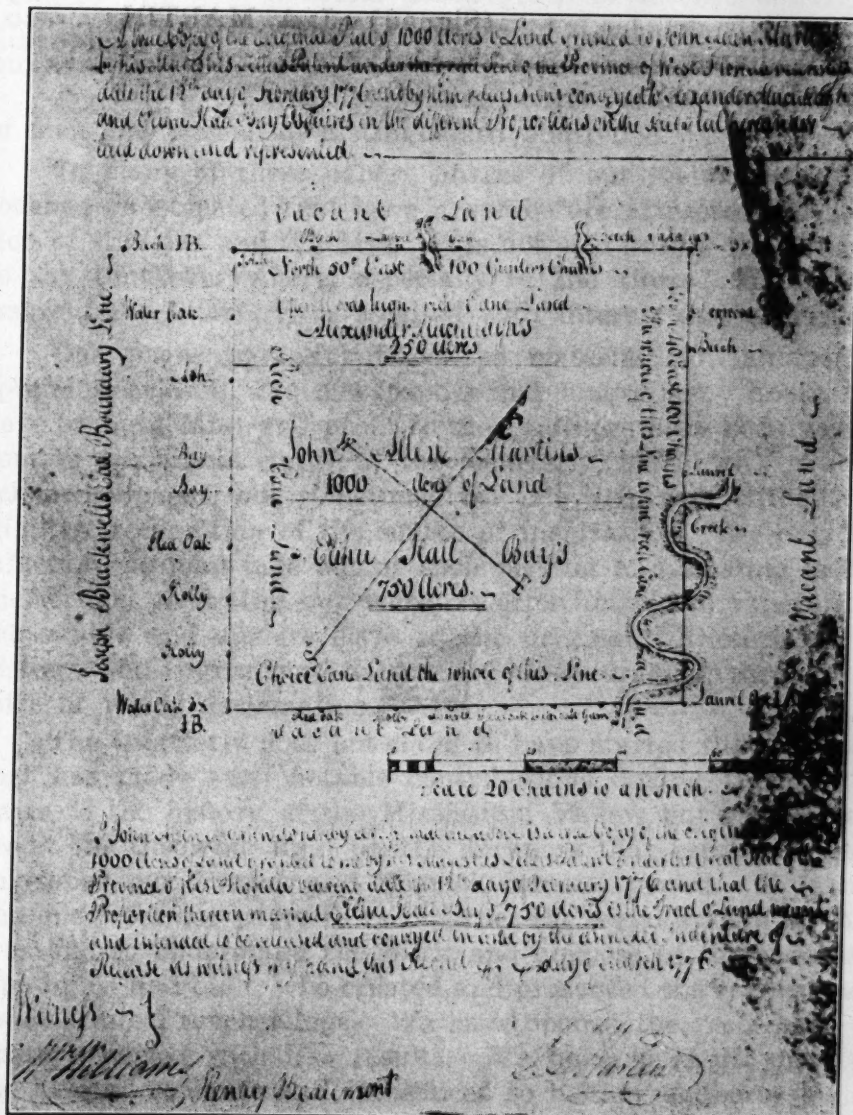
Pensacola 10th September 1776.

I do hereby Certify that the within Instrument Receipt and Certificate of the proof are Recorded in the Secretary and Register's Office of the Province of West Florida in Lib D No. 5 page 215 & examined and Compared with the said Record by

(Original Signed) PH. LIVINGSTON JUNR. D. Secy.

A true Copy of the original Plat of 100 Acres of Land granted to John Allen Martin by his Majesties Letters Patent

under the great Seal of the Province of West Florence bearing date the 12th day of February 1776 and by him released and conveyed to Alexander Maccullagh and Elihu Hall Bay Esquires in the different Proportions on the said Plat hereunder laid down and represented



I John Allen Martin do hereby certify that the above is a true Copy of the original Plat of 1000 Acres of Land granted

to me by his Majesties Letters Patent under the Great Seal of the Province of West Florida bearing date the 12th day of February 1776 and that the Proportion thereon marked **Elihu Hall Bay's 750 Acres** is the Tract of Land meant and intended to be released and conveyed in and by the annexed Indenture of Release as witness my hand this Second day of March 1776.

Witnesses:

(Signed) J. A. MARTIN

Wm. Williams

Henry Beaumont



EDITOR'S CHAIR

By Henry P. Dart

IN CELEBRATION
OF THE TWELFTH
YEAR OF THE
LOUISIANA
HISTORICAL
QUARTERLY.

With this number, the Quarterly closes a round dozen years of intense activity in which the cause of Louisiana History has been advanced by an intimate acquaintance with its written sources and by the writings of men and women of distinguished ability.

In many of these papers phases of our history have been touched and treated that have never before attracted the attention of students and scholars. It is not overstating the situation to say that everywhere, especially in the United States, each issue of the Quarterly is awaited with interest and eagerness.

Our pages have furnished the material for innumerable special articles in the newspapers and magazines. Books that have brought fame and profit to their authors have been written "out of the whole cloth" of the Quarterly, often with grateful acknowledgment, but sometimes we grieve to say, without the slightest recognition of the source of inspiration. The only satisfaction we may take out of such picking and stealing is that the writer, absorbing our work, is often unable to repeat it in the simple and austere style of the original. Rhetoric is not history, and source material suffers when dragged through the mire of windy declamation.

The Quarterly does not claim to have started the movement that has made such notable contributions during the last ten years to the history of the Mississippi Valley, but we do claim credit for throwing light on the darkness that before we came enveloped our French and Spanish colonial period. It is now possible from our pages to reconstruct the social system of those eras and to understand the spirit and purpose of the thousands who toiled and built, who created and preserved the colony under its dissolute French Kings. We have opened the records of the Spanish period with like results. We have in short, dissolved the halo of romance and introduced to history a liberty loving, home keeping and thrifty race, who slowly but steadily reached the ability to govern themselves and to protect their rights against all comers.

The story of the dethronement of those "of noble birth" and the advance of the people to a place in the sun is but one of the services the Quarterly has rendered to the History of Louisiana, for we have not confined our interest to the colonial period of Louisiana. The Quarterly has had a broad and sympathetic vision of the whole life of our people and its pages have carried notable contributions on every phase of that life. In future years, the historian will find here, political, judicial and social records of Louisiana during its entire existence, that are preserved in print against the losses and ravages of time. He will also find these other subjects discussed without bias or prejudice, for our pages have been and will continue to be an open forum where any seeker after truth may speak his mind or plead his cause.

In the coming year the Quarterly will print many valuable and interesting papers. The material in hand is indeed beyond our capacity to assimilate as promptly as we could wish and as our duty to our writers requires. This material has long since ceased to be localized, but represents the forethought and industry of scholars everywhere. The editor tenders here to these co-workers in the great cause and especially to his Editorial Advisory Board, the Quarterly's sincere appreciation of the efforts that have placed this publication so high in the estimation of the lovers of history everywhere.



RECORDS OF THE SUPERIOR COUNCIL OF LOUISIANA XLIV.

January-March 14, 1744.
(Continued from July, 1929.)

By HELOISE H. CRUZAT.

Memorandum by Editor of the Quarterly

The hereinafter named officials participated in the Sessions and/or took part in the work of the Superior Council of Louisiana during the period covered by this Installment of the Index, viz:

de Vaudreuil, Pierre Rigaud Cavagnol, Governor	Le Bretton, Louis Cesaire, Councillor and Secretary of the Marine
de Salmon, Edmé Gatien, First Councillor and First Judge	Prat, Jean, Councillor and Physician of the King
Henry, Nicolas, Notary and Clerk (Greffier)	Fazende, Jacques, Councillor
Fleuriau, Francois, Procur- eur General	Raguet, Jean Baptiste, Councillor
Chantalou, Augustin, Sheriff (Huissier)	Lafreniere, Nicolas Chauvin de, Councillor
Lenormand, Marin, Deputy Sheriff	Chanfret, Trenaunay de, Sub-delegate (Command- ant) at Pointe Coupée
Prevost, Jean Baptiste, Agent of the Company of the Indies	Darensbourg, Chas. Frederic, Commandant at the Ger- man Coast
Barbin, Attorney of Vacant Estates	Potin, Bernard Louis, Notary at Pointe Coupée
De Launay, Louis Piot, Guardian of the King's Store	Cantrelle, an Employee de Noyan
	Voisin (P.), Acting for Barbin

Jan. 4, 1744. **Decree of Council** homologating sale of plantation of Sr. Gerard Pery, situated between Sieurs Brosset and Carriere on the same side of the river as New Orleans, measuring sixteen arpents front by usual depth, adjudicated to Sr. Antoine Aufrere, acting for his minor daughter, Marie Francoise Aufrere, married to Sr. Gerard Pery in separation of property, for the sum of 5,500 L.

Homologation by Superior Council of sale of Gerard Pery's plantation in execution of the judgment of separation of property obtained by Marie Aufrere, wife of said Pery.

Signed: "By the Council. Henry, Clerk."
Nov. 15, 1744. Receipt for payment of price of adjudication, 5,500 L. by Sr. Aufrere.
Signed: Henry, Clerk.

Sept. 7, 1756. Abandonment of above plantation by Sr. Antoine Aufrere to his daughter Francoise Pery, as he paid for it from her dotal rights with Sr. Gerard Pery, who married her in separation of goods.

Signed: Aufrere. Chantalou. Henry.

Jan. 4.
(23662)
4½ pp.

Marriage Contract
Malet-Terrebonne.

Marriage Contract of Pierre Malet, son of deceased Pierre Malet, and of Madelaine Tuvee Dufresne, a native of Montreal with Louise Dupré, minor daughter of Jacques Dupré Terrebonne and Marie Bienvenu, a native of Natchez, dependance of New Orleans.

Signed: pierre mallet. Marie Louise Dupré. dupré terbonne. paul mallet. X—mark of wife of Dupré. Benoist de St Claire. Lemelle. Cantrelle. Chantalou. Henry, notary.

Jan. 4.
(23667)
fo. 25.
(2756)
1 p.

Exchange of slaves.

Sr. Jean Champagne, tavern-keeper, cedes to Sr. Nicolas Rousseau, a resident of the German Coast, a negro named Massy, his wife and two children in exchange for a negress named Catherine and the sum of 3,500 L. which said Rousseau obligates himself to pay to the undersigned notary in fifteen days from date.

Signed: Rousseau. Cantrelle. Chantalou.

Notarial act
covering above
transaction.

Jan. 4. (23669.) Act of sale before notary of a negro named Massy, his wife and two children, one of four years and the other eighteen months, in exchange for a negress named Catherine, and a sum of 3,500 L. the negro Massy and his family, property of Jean Baptiste Champagne, the slave Catherine, and the difference in cash coming from Nicolas Rousseau.

Signed: Roussau. Chantalou. Cantrelle.
Henry, Notary.

Jan. 5.
(23670)
(3757)
fo. 25.
2 pp.

Construction of
a Presbytery for
the Capuchins,
under an agreement
with the parishion-
ers who agree to a
tax for that pur-
pose of 50 sols
per head on their
negroes.

Ratification of deliberation on construction of a presbytery for the Capuchins, announced at High Mass. The meeting preceding the church announcement was held in the residence of Mr. Salmon, Commissioner of the Marine, and First Judge in Superior Council. Original deliberation took place November 2, 1738, but could not be put in execution owing to the war. It is now decided to carry it out beginning this year; a tax of 50 sols being levied on each negro head owned by the parishioners and that independently of this deliberation, another will be made concerning the ovens of each house according to individual means.

Mr. de Noyan signed for his servants and for the parishioners of the Chapitoulas.

Signed: Noyan. Fr Charles Supr. fleuriau. huchet de Kernion. Dreux. fazende. Raguët. P. Voisin. Du Breuil. Salmon. Darby. Henry.

Jan. 7.
Suit for debt.

Petition to Superior Council dated October 10, 1741, by Sr. Jean Baptiste Bancio Piemnot for citation of Sr. Livet for payment of 128 livres due him.

Permission to cite signed by "Salmon," January 7, 1744.

January 7. Notice of citation served on Sr. Christiana by Sheriff Chantalou. Appearance fixed for January 12, 1744, at 9 o'clock a. m.

January 18. Notice served on Sr. Livet, residing in house of the Procureur Général on Royal Street, to appear before Council at its next session to answer above petition.

Signed: Chantalou.

Jan. 7.
(23676)
(2758)
fo. 25.
2 pp.

A minor is ap-
prenticed to a
cobbler.

Act of Apprenticeship of Jacques Bonvilain, minor son of deceased Antoine Bonvilain and of Catherine Mouton, his wife, also deceased, to Jean Montanary, called Toussaint, said Bonvilain's stepfather, Jean Baptiste Champagne, stipulating for him, on account of his minority, as to clauses and conditions of agreement with Montanary, who is to teach him his trade as a cobbler; it being understood that in case of illness, during his five years of apprenticeship, said Champagne is to bear all costs of treatment and medicines and that time thus lost will be replaced.

Signed: Toussaint. Cantrelle. Chantalou. Henry, Notary.

Jan. 7.
(25229)
E. 18 pp.
Inventory at
Mobile, of the
effects of Sieur
Millon, deceased.

Inventory of effects of succession of Sieur Millon by Sr. Bobé Descloseaux, acting as notary in Mobile, accompanied by Sr. Francois Bernoudy and by the Procureur Général, acting for the minors and interested parties who are absent. Signed: "Melisson, notaire-greffier."

Jan. 8.
(23678)
fo. 25.
(2759)
2 pp.
Marriage Contract
at Pointe Coupee,
Potin-Olivo.

Marriage Contract of Bernard Louis Potin, notary at the Post of Pointe Coupée, a native of Sueno, Diocese of Besancon, on the one part, and Marie Catherine Olivo, daughter of Pierre Olivo, called Marschal, and of Marie Magdelaine Cable, her parents. Bride was accompanied by Marie Magdelaine Cable, widow of Pierre Olivo, and by André Olivo, George Olivo, Pierre Olivo, Catherine Olivo, Mariane Olivo and Frere Eustache, the King's Missionary at the Post of the Natchez, Jean Baptiste Brouillard, Jean Roblot, Louis Lavallé, Pierre Motet and Jean Gentry, all friends or relatives of the contracting parties.

Signed: Marie Catne. Pierre Josef Olivo. Marque de + Marie Magdelaine Cable. Marque x de J Bte Brouillard. f. eustache pretre curé des natchez. Roblot. Jean genty. pierre Motais. Lavallé. Marque + de Andre Olivo. Marque + de Catherine Olivo. Potin = notary.

Jan. 11.
No. 966.
Judgments
rendered by
Superior Council.

Session of Superior Council of Jan. 11, 1744:
Judgments rendered in following cases:

1. Sr. Joseph Assailly, plaintiff, vs. Sr. Joseph Herbert, defendant; against defendant in default, said Herbert to pay Sr. Assailly the sum of 593 livres, 4 sols.
2. Sr. Assailly, plaintiff, vs. Sr. Jacques Roman, defendant; judgment in default against defendant who shall pay the sum of 204 livres, 12 sols, 6 deniers.
3. Sr. Piemont, plaintiff, vs. Christina, defendant; judgment against defendant who shall pay 182 livres, 16 sols, 6 deniers.
4. Sr. Joseph Verret, plaintiff, vs. Sr. Du Breuil, defendant; plaintiff's demand rejected and costs on him.

5. Sr. Carriere, plaintiff, vs. Sr. Lavergne and Sr. Tixerant as defendants; defendant sentenced to pay plaintiff in lieu of a revenue on his goods the sum of 905 livres. Decision on exchange drawn by Sr. Kolly and note signed by Grenier, adjourned.

Investigation to be made of papers in Registry and defendant must acknowledge under oath if he has received 4000 livres which defendant pretends to be due by Antoine Carriere of Illinois; costs on defendant.

6. Capraise Mathieu, plaintiff, vs. Joseph Vivat, defendant; after hearing order that defendant be called to answer in 8 days; costs reserved.

7. Sr. Lemoyne, plaintiff, holding procuration of Jean Jung, ship chandler of Bordeaux, vs. Jacques de Meyere (act of seizure in Registry). Decision against Meyere whose goods were seized, and order that Meyere will return what belongs to plaintiff after said Meyere and Pery have calculated together as to the value and to what is due. Costs on Sr. Pery.

Signed: Noyan. Salmon. LeBretton.
Raguet.

Jan. 15.
No. 967.
3½ pp.

Report by the
Procureur General
and the Greffier.
(clerk) of the
Council of a theft
committed last
night at the home
of Sr. De Launay.

Proces Verbal of investigation of a theft committed at Sr. Delaunay's. On demand of Sr. De Launay, Guardian of the King's Store in New Orleans, the Procureur of the King accompanied by the Greffier (clerk of the Council), visits an apartment occupied by Sr. de Launay, separate from the main house of the "Intendency," situated above a cellar facing Toulouse Street, in the first story. Sr. de Launay complains of theft of a sum of 1800 livres or thereabouts in cards, which were folded in a paper in which there were several other papers such as receipts from Sr. Roquigny. These he found spread out in a first room, which he uses as a bedroom, which fact he noticed about 9 o'clock, finding his door closed, though he had the key, which led him to look into the closet opening into the said room; the wardrobe was broken open and the cards taken as well as some money from a

small Indian basket, and everything in the drawers was overturned though he has not found any papers missing. They used the dry moss they found there to light a fire, they also took a pistol holster but he does not miss any clothes. The theft was evidently committed between 7 and 8 o'clock last night whilst he was at table, entrance having been effected with a false key apparently.

Signed: De Launay. fleuriau. Henry, clerk.
(See further January 25, No. 971.)

Jan. 13.
(23685)
(3761)
fo. 25.
2 pp.

Assignment and
transfer of a debt.

Act of Assignment and transfer to Sr. André Gerbe by Elizabeth Real, widow in community of property of deceased Francois Marin, mother and tutrix of his children, of the sum of 691 piastres due to said deceased Marin by His Catholic Majesty, the King of Spain, on a note signed by Don Antonio Metlode Carbajal and another signed by Francois Palomeno, both notes having been turned over to Sr. André Gerbe as well as all memoranda of costs incurred in order to collect same and the letters written by the Viceroy of Mexico to that effect. Therefore Sr. Gerbe is authorized to receive payment of said sums in Florida or in Havana as of his own and in default of payment to act as he thinks proper, said Widow Marin desisting from all further action in favor of Sr. Gerbe. Widow Marin declared that she could not write nor sign and the document is signed: Gerbe. Chantalou. Cantrelle. Henry, Notary.

Jan. 13.
(23687)
(3762) ½ p.

Receipt for price
of a negro slave.

Receipt tendered to Jean Baptiste Champagne for payment of 3325 livres to Sr. Rousseau for a negro sold to said Champagne.
Signed: Henry, Notary.

Jan. 18.
No. 968.
1 p.

Judgment
rendered by
Superior Council.

Session of Superior Council of January 18, 1744; where were present MM. Raguet, Prat, Le Bretton.

Between Sr. Capraise Mathieu, plaintiff, vs. Sr. Verret, defendant. Order to pay defendant the sum of 500 livres by half for manufacture of indigo and rejection of other demands of plaintiff; defendant to pay costs.

Signed: Le Bretton. Raguet. Prat. fleuriau.

Jan. 18.

(23690)

fo. 25.

6½ pp.

Marriage contract
LeSassier-Gallard.

Marriage Contract between Sr. Jean Charles Le Sassier, wholesale merchant of New Orleans, son of Charles Le Sassier and of Dame Françoise Jouven, a native of Guibray, Faubourg de Falaise, Diocese of Seez, on one side, and Demoiselle Genevieve Gallard, minor daughter of Sr. Francois Gallard, called Chamilly, and of Dame Marie Anne Hervieux, a native of "the Pascagoulas," Parish of New Orleans, Bishopric of Quebec.

Signed: Lesassier. genevieve galar. Francois Gallard. marianne hervieux. fleuriau. Bellile. Raguet. françoise petit de Coulange. Cantrelle. Chantalou. Henry, Notary.

Jan. 24.

(23697)

(2765)

13 pp.

Real property sold
to pay debt to the
Company of the
Indies and to make
a partition by
licitation among
the heirs of
deceased debtor.

Order for sale of land owned by succession of deceased André Carriere, consisting of two lots, one at corner of street opposite Mr. de la Freniere, the other adjoining Mr. Broutin's land, and in the rear that of Sr. Louis Tixerant. The co-heirs: Sieurs Tixerant, Lavergne and Carriere, have agreed to have them sold as a whole as they will not bear division. They are situated on river front, measuring 60 feet each (10 toises) by 138 feet (23 toises) in depth and as deceased Carriere owed the Company of the Indies the sum of 2188 livres, 10 sols, 8 deniers, following the decree rendered November 29, 1743, by Mr. de Salmon, First Judge, ordered the sale to be made by licitation, payment to the Company being reduced to half in currency of this date.

Signed: By the Council.

(23711)

(3766)

5 pp.

January 24. Sale of two lots, unfenced and without buildings thereon, owned by succession of André Carriere sold on this date and adjudicated to Sr. Macarty for the sum of 7700 livres, 19 sols, 8 deniers.

Jan. 24.

No. 969.

1 p.

Judgment
rendered by
Superior Council in
De Meyere-Pery
litigation.
De Meyere is or-
dered imprisoned
until he pays.

Council after examination of demand of Sr. Gerard Pery on date of Jan. 18th of this year, and consideration of all suits against de Meyere, who could not be forced to pay as he has no goods in this country and that he gambles all that comes to his hands, the above decree of bodily apprehension will be executed against said de Meyere and permission to sell the negro is granted. The Superior Council has ordered and does order that the decree of last

Nov. 29, against said de Meyere be executed in its form and tenor and even by bodily apprehension and imprisonment of his person, considering that he is not domiciled in the Colony and that his debt to Sr. Pery is from merchant to merchant and that the negro seized is owned by him and shall be sold and the returns paid for bill due by said de Meyere who shall bear costs.

Signed: Le Bretton. Salmon. Raguet.

Jan. 24.
No. 970.
1 p.

Session of Superior Council of Jan. 24, 1744, where were present: MM. de Salmon, Raguet, Prat, Councillors.

Judgment of
Superior Council.

1. Sr. Charles de Morand, plaintiff, vs. Sr. de Pontalba and Sr. Negrier, defendants: Decision against defendants solidarily to accept two thousand carrots of tobacco, good and salable at the rate of 16 sols the pound, in colonial money, unless the plaintiff prefers to desist from the sale which he may do at his option within twenty-four hours. The defendants sentenced to pay solidarily 150 livres for costs, damage and interest as the tobacco was not delivered at its destination and the plaintiffs had to bring it to this City. Signed: Salmon. fleuriau. Raguet. Prat.

Jan. 25.
No. 971.
7 pp.

Interrogation by Councillor Jean Baptiste Raguet of one Courtableau, in presence of Clerk of the Council, on demand of Rene Lamotte, plaintiff and accuser of said Guillaume Courtableau, suspected of having committed a theft in Mr. de Launay's apartment in Mr. de Salmon's house.

Interrogation by
Councillor Raguet
and the clerk of
the Council of a
suspected theft.

Signed: Raguet. Courtableau.

Report of above interrogation communicated to the Procureur General Jan. 26, 1744. (See Jan. 15, No. 967.)

Jan. 25.
fo. 25.
(23716)
(3707)
4½ pp.

Marriage contract
Meunier-Faucher.

Marriage Contract between Joseph Meunier, son of deceased Francois Meunier and of Angélique Jacob, a native of Quebec, on the one side and of Jeanne Quenelle, widow of Guillaume Faucher, a resident of New Orleans. Joseph Meunier declared that he could not sign nor write. Contract signed by Marie

jeanne quenel. Chantalou. Jahan. Henry, notary.

(23722)
1 p.

Inventory of goods of Joseph Meunier, a resident of New Orleans, and appraisement of same. Signed: marie jeanne quenel.
(No date.)

(23718)
1½ pp. N. P.
A copy.

Unsigned will of
Joseph Meunier
attached to above
marriage contract.

Testamentary recommendations of Joseph Meunier, who declares that without affecting nor in any way breaknig his marriage contract he wills and intends that after his decease, after payment of his debts, his wife shall enjoy one half of revenues of his plantation and slaves, that will be leased, and after her death the said goods shall revert in nature to one of the sons of Helene Meunier, his sister, whose name he knows not, but whom he believes to be called Ancelain, the heir to be the one on whom his parents will decide must come to this Colony, in case of decease of their father and mother, in which event said son being instituted his universal legatee, on condition however that on said goods, he will pay (once only) the sum of 500 livres to Agnes, wife of Jullien, a mercer, sister of the said testator; a like sum to Jeanne, wife of Bolduc, also his sister, and a like sum to Angelique, another sister, whose husband's name he does not know; the same to Monique, whose husband's name he also does not know; a like sum to Francoise, wife of one Simart, all of them his sisters. He names as his testamentary executor Sr. Faucheux, a tailor of this City, his friend. In the event of death of either the legatees to his different sisters shall revert to their nearest heirs. He also leaves 400 livres for prayers to be said for him.

(No signature.)

Jan. 26.
(23725)
fo. 25.
(3768) 2 pp.

Ignace Petit lodges a complaint with the Clerk of the Council, against one Baudreau, Jr., reciting the abduction by the latter of the sister-in-law of the complainant together with the forcible carrying off of property belonging to the succession of Huet.

Declaration in Registry by Sr. Ignace Petit, husband of Marie Francoise Huet, that he has been informed by a letter from Sr. Melizan, clerk at Mobile, that one Jean Baptiste Baudreau, Jr., has abducted his wife's sister and three slaves, which came from succession of deceased Huet, his wife's father. He has also heard that said Baudreau and his sister-in-law, took from the plantation of deceased Huet a boat fully provisioned, and he is said to have brought the said Huet girl towards St. Mark or Havana or in the vicinity of Carolina; that said Baudreau also had several head of cattle killed on said plantation and carried them with him. From one Sary who was present at the abduction, comes the information that his sister-in-law screamed and defended herself but was carried away by force, thus committing rape and abduction, wherefore he implores the office of the Procureur Général, for the apprehension by justice of said Baudreau, and for appraisement be made of losses incurred by Huet succession, that they may be indemnified on all goods Beaudreau may own in this Colony. Signed: Petit.

Certified by Henry, Clerk of the Council.

(See Jan. 28, 1744, No. 972.)

Jan. 28.
No. 972.

Action of the Superior Council on the complaint of Ignace Petit.

Petition of Sr. Petit to Superior Council for arrest of Sr. Baudreau, guilty of abduction and theft. Signed: Petit.

(See above, Jan. 26, 23725.)

Jan. 28. Order by Judge Salmon to submit above petition to the "Procureur General du Roy."

Jan. 29. Conclusion of Attorney Fleuriau, Procureur General that the petitioner be allowed to seize negroes of said Baudreau. Signed: fleuriau.

Jan. 29. Order for seizure issued against Baudreau by Superior Council. Signed: Salmon. fazende. Raguet.

Certified copy of declaration of Sr. Petit, dated Jan. 26, 1744, concerning abduction of his sister-in-law, and three slaves, theft of a boat and stealing and killing of cattle.

Signed: Henry, Clerk of Council.

- Jan. 26. **Marriage Contract** between Pierre Grasset, son
fo. 25. of Michel Grasset and Marie Mariat, a native
(23727) of Paranche, Diocese of Saintes, on the one
(3769) part, and Marie Jeanne Poulin (Poulain)
4½ pp. minor daughter of deceased Jean Gabriel
Poulain and of Marie Magdelaine Levesque,
Marriage contract a native of Natchez, Bishopric of Quebec.
Grasset-Poulain. Signed: marie Poulain. Nicolas Pieron.
Avignon. magdelaine Levesque duvapredon
(?). Morice Leveque. Cantrelle. Chantalou.
Henry, notary.
- Jan. 27. **Nuncupative Will of Louis Mate**, called Flacon.
fo. 25. Declaration of debts due by said Maté and to
(23732) him. Will signed: f. Mathias Pre. C. M. aposte.
(3770) Witnessed by charles bonnant called dijon.
1 p. Certification by F. Mathias.
Will of Louis Mate. Document with curled and torn edges.
- Jan. 31. **Report** in Registry of Superior Council by Mar-
(23733)ianne Girardy, Widow Milon, that one of her
fo. 25. negroes, aged about forty years, named Yam-
(3771) 1 p. ma, has run away since yesterday and request
Report of that he be apprehended and chastised. Signed:
runaway slave. j. b. saucier. Henry, Clerk of Council.
- Feb. 1. **Excerpt from Registers of Superior Council; Ses-**
(23816) sion of Feb. 1, 1744:
Sr. Trudeau, officer, plaintiff, vs. Sr. Blan-
pin, defendant: Judgment in favor of Sr.
Trudeau, defendant being sentenced to deposit
85 quarters of grain still due in payment of
slave, in Registry of Superior Council, and to
pay costs.
Signed: By the Council. Henry, Clerk of
Council.
(23817) Feb. 27, 1744. Copy of Judgment left at
residence of Mr. Blanpin on Royal street, de-
livered to Pierrot, his negro slave.
Signed: Chantalou.
(23822) Certificate of having delivered notice and
copy of judgment to Sr. Blanpin, defendant,
vs. Sr. Trudeau, in default of compliance with
which he will be threatened with seizure of his
movables and sale of same.
Signed: Chantalou.
- Feb. 1. **Session of Superior Council of Feb. 1, 1744:**
No. 973. Judgments in following cases:
3½ pp. 1. Sr. Bancio Piemont, plaintiff, vs. Sr. Bar-
bin, attorney of Vacant Estates, liquidator
of succession of Sr. Denis, defendant:
- Judgments rendered
by Superior Council.

Judgment against Sr. Barbin, who shall pay 2002 livres on note signed by deceased Denis, payable Nov. 4, 1747, after which he will be validly discharged. Note to be found in papers of Denis' succession which were in possession of Sr. D'auseville, former attorney of Vacant Estates.

2. Sr. Piemont, plaintiff, vs. Sr. Barbin, attorney of Vacant Estates, for succession of deceased Malo, defendant: Judgment in favor of Sr. Piemont; defendant shall pay 2000 livres.
3. Sr. Layssard, merchant, plaintiff, vs. Sr. Aufrere, defendant: Defendant shall pay 2000 livres on note of Sr. De Grange and bear costs.
4. Sr. Raguet, as Administrator of the Hospital of the Poor, plaintiff, vs. Sr. Joseph Blanpin, defendant: In favor of plaintiff, to whom defendant must pay sum demanded by plaintiff under penalty of bodily arrest.
5. Sr. Trudeau, plaintiff, vs. Sr. Blanpin, defendant: Blanpin acknowledges that he owes Trudeau eighty-five quarters of seeds as a balance due on a slave and Council orders him to deposit same in Registry of Council. Costs on defendant.
6. Sr. Piemont, plaintiff, vs. St. Livet, defendant: Judgment in favor of plaintiff, defendant ordered to pay him 128 livres, 13 sols, 6 deniers, as per memorandum.

Signed: Salmon. fazende. Prat. Raguet. fleuriau.

Sr. Raguet has retired.

Sr. Raguet has retired.

Feb. 2.
(23734)
(3772) 1½ pp.

Prevost agent of the Company of the Indies reports the loss of notes for 7680 livres and he suspects they were stolen by a slave of Sr. de Pradel.

Declaration of larceny before M. Henry, Clerk of Superior Council by Sr. Prevost, Agent of the Company of the Indies, that on the ninth of last August, a whole arm-full (brassée) of papers was stolen from the desk in his bed room, and that he prepared an account of the missing notes and of a beaver (hat?) which were missing—Total: 2680 livres. Afterwards, in searching for the notes he found that 5000 livres had been stolen from him, the theft having been committed between the first and ninth

of the said month, when he was so busy that he did not perceive the theft until the next day. He suspects a negro owned by Sr. de Pradel and he makes the present declaration in order to resort to all possible means for recovery.

Signed: Prevost.

Feb. 5.
(23758)
fo. 25.
ff.
(23779)
2½ pp.

Sale of four negro
slaves by Gau-
treau to Prat.

Sale of four negro slaves by Sr. Francois Gautreau to Sr. Prat, physician of the King and Councillor in the Superior Council for the sum of 4500 livres, which Sr. Prat obligates himself to pay to Sr. Gautreau in Paris, 2250 in silver coin in the coming year, 1745, on return of the King's ship; 1250 livres in 1746, and for security of these payments he hypothecates his movables and immovables and those that may come to him hereafter.

Signed: Prat. Gautreau. Rougeot. Merle. Henry, N.

Feb. 6.
fo. 25.
(23736)
ff.
(2773)
3½ pp.

Bond of Dupart
Delille for property
of succession of
Sr. Boquet and
counter obligation
of the widow of
said Boquet not
to alienate said
property.

Bond furnished by Sr. Dupart Delille for goods of succession of deceased Sr. Boquet, after inventory and appraisement of same, to the full amount of their value. The widow of Sr. Boquet is remarried to Sr. Thomas called Jourdain, who obligate themselves to have inventory made on their arrival at Pointe Coupée of all movables and immovables of said succession, with appraisement at present date, which is to be signed by experts and by Jourdain and Dupart in the presence of Sr. Tre-naunay de Chanfert, subdelegate at Pointe Coupée. Jourdain and his wife shall not be authorized to sell nor alienate without consent of Sr. Dupart and those who represent the heirs of deceased Boquet.

Signed: Dlle Dupart. Chantalou. Cantrelle.

(23738)

March 10, 1745. Discharge of Sr. Dupart as bondsman by Sr. Thomas called Jourdain and his wife, authorized to same by her husband, heirs of said deceased Boquet having no further claim on him.

Signed: Cantrelle. Chantalou. Henry, notary.

Feb. 5.
(23577) 1 p.
Suit for debt.

Petition to Superior Council by Barthelmy Dubic, for recovery of 80 livres, 4 sols, due him by succession of deceased Fourcade, and request

for citation of Mr. Barbin, Attorney of Vacant Estates who has charge of said succession.

Signed: Barthelmi.

Feb. 5. Citation issued by Sr. Salmon.

Feb. 5. Consent of Sr. Barbin to pay above sum on order and on valid discharge.

Signed: Barbin.

Feb. 6. Order by Judge Salmon to pay said debt.

Feb. 7.
2 pp.

The Procureur General complains against two men who are killing cattle for sale, and requires an inspection of such animals before slaughter.

Complaint by the Procureur General against La France and Voisin, associates, for killing cattle for sale, which has caused great inconvenience to the Hospital and to the residents. They infringe the law by killing females besides the risk that they kill diseased cattle on the plantations, Wherefore examination of all cattle killed is requested under penalty of fine, applicable to the Charity Hospital in case of disobedience.

Signed: fleuriau.

No. 975.
1½ pp.

Order of Council on said complaint.

Feb. 7. Decree of Superior Council ordering confiscation of salt meat that was seized and order that hereafter no cattle be killed or salted without previous examination and permission for same, under penalty of a fine, one half of which will go to the Charity Hospital and the other half to the informer.

Signed: Salmon. noyan. Raguet. Prat.

Feb. 7.
fo. 25.
(23740).
(3774)
8 pp.

Marriage contract Daunoy-Hubert de Belair.

Marriage Contract of Charles Guy Favre Daunoy son of deceased Claude Jean Favre, Seigneur Daunoy, and of deceased Dame Adrienne Charlotte Michel, a native of St. Etienne Dumont of Paris and a resident of Louisiana, on the one side and "Demoiselle Catherine Hubert de Blair," minor daughter of Sr. Jacques Hubert Belair, called Belair and of Dame Marie Catherine Neveu, a native of Chapi-toulas, Parish of New Orleans. Bishopric of Quebec, her parents stipulating for the bride.

Signed: favre D'Aunoy. lafreniere. Catherine hubert. Le Bretton. hubert Bellair. Neveux femme "Blair." Volant. chauvin denolant. Assailly. Caüe. (f. hetebuisse (?.) probably Hertebuisse). Vaudreuil. Fleury Leverrier. Leblanc de targnet. lebreton. noyan. margueritte delery, de villemont caüe. Marguerite hubert fame chauvin. marie de chavoy. Duval Demouy. de noyan. Demouy. Chvr de Chavoy. fabry. Chantalou. Cantrelle. Henry, notary.

Feb. 8.
No. 974.
1 p.

Judgment of
Superior Council.

Case of Le Moyne vs. Barthelmy Dubic: Council orders Dubic to pay Le Moyne the sum of 2227 livres, 3 sols, as per memorandum and to bear costs.

Signed: Salmon. Prat. Raguet. fleuriau.

Feb. 12.
(23753)
fo. 25.
(3777)
3 pp.

Procuration from
Jacques de Meyere
to prosecute an
appeal to the Privy
Council from the
judgments rendered
in favor of
Gerard Pery.

Procuration by Sr. Jacques de Meyere, Captain and proprietor of the snow La Chevaliere and now returned from the coast of Spain, and residing in New Orleans, for prosecution of two cases against Sr. Pery, said procuration granted to Pierre Henry Demeyere and Sons, Bankers of Bordeaux to whom he gives full power and authority to prosecute in his name before the Privy Council of the King, Sr. Gerard Pery, who has obtained decrees from Superior Council of Louisiana which are prejudicial to said (Jacques) Demeyere, who in his appeal elected his domicile in house of Mre Gride of the said Privy Council of State of the King, said constituent giving his attorney all rights for prosecution and execution, willing that these rights be unlimited, this present to be valid until revocation of same.

Signed: Demeyere. Chantalou. Jahan.
Henry, notary.

Feb. 13.
(23756)
fo. 25.
(3778) 2 pp.

Transfer of a
negro joiner—a
slave in payment
of a debt.

Sale to Sr. Brosset by Francoise Hubert, widow of Jean Louis Maske and previously of Gaspard Didier. Said widow is indebted to Sr. Brosset to the amount of 4500 livres, and in order to cancel same she transfers to him, in full and forever, a negro joiner, called George, whom she purchased during her first widowhood.

Signed: Brosset. Chantalou. Henry, notary.

Feb. 15.
(23761)
fo. 25.
(3780)
2 pp.

Procuration.

Procuration in blank, by Jean Francois Gautreau, former Guardian of the King's Store in New Orleans, who is about to leave for France, so that said attorney may act for him during his absence, in demands, defense, collection, payments, etc., this procuration to be valid until revoked.

Signed: Gautreau. Merle. Rougeot. Henry, notary.

Feb. 15.

The Procureur
General reports
collection of sums
due the King's
store.

Statement of sums paid by different individuals who were indebted to the King's store following notes remitted by Mr. Le Bretton for recovery, total: 3284. 13.

Signed: fleuriau.

Statement of sums paid by different individual debtors of the company. Signed: fleuriau. Document in Sorbonne script and this first part a duplicate of previous document.

Feb. 15.

Copy in Registry.
Proces-verbal of
burglary in the
home of Le Bretton,
Chief Secretary of
the Marine
in N. O.

Report of Robbery in King's warehouse, discovered by slave Poret, whilst demolishing a house owned by Mr. Le Bretton, Secretary in Chief of the Marine, said house adjoining the King's store, facing residence of Mr. Prat, the King's physician. Accompanied by Mr. de Launay, Guardian of the store, MM. Prat, Fleuriau, Procureur General; and by Mr. Henry, (Greffier) Clerk of the Council, Mr. Le Bretton, acting as Comptroller of the Marine, investigated and made full report of conditions, broken locks, theft amounting to sum of 3284 livres, 13 sols. The garret was afterwards examined in company of Jean Merle, (a laborer of said store), which apparently had not been entered, the above "procès verbal" having been drawn up to serve avail as need may be. Signed: Henry, Greffier.

Original.

Feb. 15, 1744. Original "Procès verbal" drawn up on robbery committed in King's store.

Signed: fleuriau. Le Bretton. Merle. De Launay. Henry, greffier.

Document stained, with curled and torn margins.

Feb. 17.

(23763)
fo. 25. (3781)
1½ pp.

Note (or memo)
of Colonial money
on "Le Comte
de Maurepas."

Note of colonial money, from cargo of the ship "Le Comte de Maurepas" from Bordeaux, belonging to Monsieur Jean Jung, Burgher and Ship Chandler. Total: 64251.4.4.

Receipt to Mr. Le Moine, Captain of the Comte de Maurepas by the Treasurer of the Marine. A true copy, no signature, simply paraphed by Henry, Clerk of Council.

Feb. 17.
(23765)
fo. 25.
(2782)
2½ pp.

Procuration
Belair and wife for
settlement of
wife's father and
mother.

Procuration granted before notary royal of the Province of Louisiana by Sr. Jacques Hubert Belair and his wife Catherine Neveu, authorized by him, to (blank), to act for them in settlement of succession of Sr. Jacques Neveu and his wife Michelle Chauvin, his parents who died in Illinois, on their way to Montreal where they resided.

Signed: Bellair. mari catherine Neveux. Chantalou. Cantrelle. Henry, notary.

Feb. 17.
(23767)
fo. 25.
2 pp.

A duplicate
of above.

Procuration in blank by Sr. "Jacques Hubert de Belhair" and Catherine Neveu, his wife, authorized by him, to represent them in settlement of succession of deceased Jacques Neveu and his wife Michelle Chauvin.

Signed: Bellair. Chantalou. Cantrelle. Henry N. (for notary).

Feb. 20.

Prosecution of the
slave Jupiter
charged with
burglary and theft
at the King's
warehouse and in
Sr. de Launay's
house.

Criminal Prosecution of Jupiter called Camelle for theft and burglary in the King's store and at Mr. de Launay's begun on Feb. 24, 1744. With this files and prosecution are found: A proces verbal of theft at Me de Launay's No. 967, dated Jan. 15, 1744, and a statement of individual payments made to Company from Jan. 30 to April 30, 1744, followed by a certified copy of proces verbal of thefts, and burglary at Mr. de Launay's and the King's store.

This very interesting trial will be published in full, in the Quarterly. The proceedings from beginning to end occupied the Court for one month, and resulted in the conviction of Jupiter who was sentenced to death and executed. The order of procedure was as follows:

Feb. 20, No. 975—Interrogation of the slave Marianne.

Feb. 20, No. 976—Interrogation of Jean, slave of the King.

Feb. 22, No. 977—Interrogation of Pierre Grousset.

Feb. 29, No. 979—Interrogation of Jupiter (Gamelle.)

March 2, No. 981—Declaration of Pradel.

March 3, No. 982—First Interrogation of Jupiter.

March 5, No. 983—Second Interrogation of Jupiter.

March 7, No. 984—Order for additional information.

March 11, No. 988—Interrogation of Margot.

March 11, No. 987—Interrogation of Marie Joseph.

March 12, No. 990—Decree of arrest.

March 12, No. 991—Interrogation of Jupiter.

March 13, No. 992—Interrogation of Alexandre.

March 14, No. 993—Re-examination of Jupiter.

March 14, No. 994—Confrontation of Jupiter and Alexandre.

March 16, No. 996—Re-examination of witnesses.

March 18, No. 997—Decree of adjournment as to Dusigne and wife.

March 20, No. 1000—Jupiter on witness stand.

March 17, No. 989—Confrontation of witnesses.

March 18, No. 998—Second Interrogation of Alexandre.

March 21, No. 1001—Interrogatory of Jupiter.

March 21, No. 1002—Interrogation of Alexandre.

March 21, No. 1004—Judgment rendered on Jupiter.

March 21, ——— Arbitration appraisement of Jupiter.

Thereafter further proceedings were taken on the interests of the owners of the condemned slave.

Feb. 22.
No. 978.
1½ pp.

Judgments of the
Superior Council.

Caric vs. Cailles.

Raisin vs.
de Lisle Dupart.

Session of the Superior Council. Were present:
Mr. de Salmon, First Judge; de la Freniere,
Raguét and Prat.

Judgments in following cases:

1. Between Nicolas Garic, plaintiff, vs. Cailles, defendant. Parties out of court; costs reserved.
2. Between Nicolas Raisin, plaintiff, vs. Pierre de Lisle Dupart, defendant: Judgment against defendant who is sentenced to pay

6674½ lbs. of meat at rate of 5 sols, 6 deniers per lb., as demanded by their agreement and to bear costs.

Jung vs. Pery.

3. Sr. Lemoyne acting under procuration of Sr. Jean Jung, ship chandler of Bordeaux, plaintiff, vs. Gerard Pery, defendant: In favor of Sr. Lemoyne, Sr. Pery shall pay sum of 123179 livres, 9 sols, as per certified account of Dec. 27, 1743, and order that said amount deposited in Registry be remitted to plaintiff and that what rightly belongs to his wife be deducted from same; costs on defendant.

Signed: Salmon, lafreniere. Prat.
fleuriau. Le Bretton.

Feb. 22.
No. 977.
6½ pp.

Examination of
St. Pierre accused
of burglary, committed in the
King's store and
in the house of
de Launay.

Interrogation of Pierre Grasset, called St. Pierre, a cooper, by Councillor Raguet. Accused stated that he was thirty-one years old, that he did not know why he had been imprisoned, he answered that the bottle of wine that he had given the negro yesterday was given by order of Madam Salmon, that he had not carried anything away, that during the night of the fourteenth to the fifteenth inst., in which the theft's was perpetrated in the King's store he went to supper at house of La hamele with his wife and his mother-in-law, and others, that he left there about midnight and named those who accompanied him, that his hat was muddy because it was thrown from his head and walked on several times, that he has no knowledge nor suspicion of who stole from the store or from Mr. de Launay. He spoke of an advance of cash made to him by Mr. de Pradel, and wine given him on credit by Mr. Voisin, etc., and that he has never been imprisoned before this. He declared that he could not write nor sign.

Document and order to communicate to Procureur Général is signed by Raguet.

Accused released
under bond for
further appearance.

Feb. 24, 1744. Demand by Procureur General that accused be freed under bond, and held to answer a more ample interrogation in three months, and to appear before court whenever called.

Signed: fleuriau.

Document stained.

Feb. 22.
No. 976.
6 pp.

Examination of
Jean, a negro
slave, accused of
same offense.

Accused
discharged.

Interrogation of Jean, a negro slave, in the prisons of New Orleans, on request of Jean Baptiste Raguet, as one of the workmen in the King's store, concerning the theft committed at Mr. de Salmon's in Mr. de Launay's room. He acknowledged having been imprisoned twice for quarrelling but never for theft. Signed solely by Raguet, the accused declaring that he could not write nor sign.

Feb. 24, 1744. Consent of Procureur Général that accused be freed. Signed: fleuriau.

Document stained and in some parts very pale.

Feb. 24.
(23772)
fo. 25.
(3783)
2½ pp.

Procuration by
Jung to Antoine
Moine.

Substitution by
Lemoyne to
Joseph Assailly.

Procuration granted before Notary Royal by Sr. Jean Jung to Sr. Antoine Moine¹ Captain of the Comte de Maurepas, deposited as record and legalized by M. Dalbessard, authorizing him to withdraw from Mr. Gerard Pery all amounts in his possession belonging to said Jung and to oblige said Pery to render an account and receive the amount thereon, and in case of refusal to prosecute him and take all necessary steps against Sr. Pery, as per decree rendered Dec. 27, 1743, and seizure which followed. Sr. Lemoyne substituting Sr. Joseph Assailly in his stead transfers to him the same powers given him by Sr. Jung.

Signed: Moine. Meu Laville.² Jean Boudin. Henry, N.

¹He signs Moine but in all documents the Captain of the Comte de Maurepas is set down as Le Moine.

²Mathieu.

Feb. 26.
No. 975.
3 pp.

Examination of
Marianne, a slave,
in connection with
the burglary in the
King's store.

Accused
discharged.

Interrogation of Marianne, a slave owned by Sr. Prevost, the said woman having been arrested and imprisoned yesterday, on requisition of the Procureur Général, accuser of the slave Jupiter and other accomplices accused of theft.

Signed: Raguet.

Feb. 26, 1744. Consent of the Procureur Général that Marianne be freed.

Signed: fleuriau.

This document indexed in margin on date of Feb. 20, 1744.

Document begins: "In the year 1744, on the 26th day of Feb." etc.

Feb. 27.
(23778)
fo. 25. (3784)
11½ pp.

Sale of an Indian
slave (female)
to the Ursuline
Nuns.

Sale of a savagess for 3000 livres to the Ursuline Nuns by Dame Françoise Jallot, Widow of François Carrière. The said slave woman has been delivered to the Nuns who were represented by Rev. P. Vitry, "Superior of the Jesuit Missionaries, Grand Vicar of Monseigneur of Quebec," who accepted the transfer.

Signed: veuve Carrière. Cantrelle. Pierre Vitry. Chantalou. Henry, N.

Feb. 29.
No. 979.
11½ pp.

Inquiry by Coun-
cillor Raguet
against the slave
Jupiter, accused
of burglary.

Inquiry made by Mr. Jean Baptiste Raguet, Councillor in the Superior Council and Commissioner on this case, against Jupiter, called Gamelle negro slave owned by Sieur Pradel, accused of theft. Witnesses called were Sr. André Carrière, Antoine Jolly, Cristophe Thomas, Claude Renault, called Avignon, Jean Baptiste, Diron, (apprenticed cobbler), Alexandre (a negro). Signed by different witnesses.

March 28, No. 1003 and April 23, No. 1007. Preliminary Proces Verbal, Inquiry by Srs. Prevost, de Launay and Henry vs. Sr. Pradel.

April 24, No. 1008. Inquiry on request of Srs. Prevost, Henry and de Launay. Councillor Raguet, commissioner on this case.

This inquiry ran along during the year and the results will be noted in order of occurrence.

March 1.
No. 980.
2 pp.

Judgments
rendered by
Superior Council.

Session of Superior Council of March 1, 1744: were present MM. de Vaudreuil, Governor; Salmon, Ordonnateur; Raguet and Prat Councillors:

1. Louis Geoffroy, plaintiff, vs. Pierre Seben, called La Pierre, defendant: Council orders defendant to pay the sum of one hundred and seventy-three livres, as balance due on his bill, with recourse vs. Bellevue if he thinks proper, and to pay costs.
2. Jacques Loune, plaintiff, under authority of Gaspar, his stepfather, vs. Jan Baptiste Gauvain, defendant: Judgment against plaintiff who shall pay costs.
3. Megret, called Lamoureux, plaintiff, vs. Gerard Pery, defendant: Judgment in default against defendant who shall pay plaintiff the sum of 1297 livres, 18 sols, 9 deniers, as per notes of Aug. 30 and Dec. 8, 1743, and bear costs.

4. Louis Geoffroy, plaintiff, vs. Jahan, defendant: Judgment in default against defendant and order to pay plaintiff the sum of 300 livres as remainder of his memorandum of last June within a month, under penalty of bodily arrest, and to bear costs.
5. Louis Geoffroy, plaintiff, vs. Rambin, tailor, defendant: Judgment in default against defendant and order to pay plaintiff the sum of 160 livres, 7 sols, 9 deniers, within a month under penalty of bodily apprehension and costs.

Signed: Vaudreuil. Salmon, Raguet.

By Raguet: fleuriau. Prat.

March 9, 1744. Order to communicate to the Procureur Général. Signed: Raguet.

Referred to the
Procureur General.

March 2.
No. 981.
1 $\frac{2}{3}$ pp.

Jean Baptiste Pradel makes a public abandonment of his slave Jupiter accused of theft, to be dealt with according to law.

Declaration in Registry of Superior Council by M. Jean Baptiste Pradel, former captain and resident of this Colony, that one of his negroes, called Jupiter, aged about 25 years, stole from Mr. Layssard; that he did all in his power to find him and have him imprisoned, which he has now been able to do as he was brought to him by the Commander of his slaves. He had him sent to the City where he was placed in a cell in irons, and he abandons the culprit slave to public justice, to be dealt with according to the urgency of the case by the Procureur Général of the King, requesting only that he be appraised so that the amount of the theft be raised and that justice be done. He required that this declaration be certified. He moreover declares that on examination seven piastres in Spanish money were found on the negro and 370 livres in Colonial cards which were deposited, of which declaration he also requested certification.

Signed: Pradel. Henry, Greffier.

Deposit by Pradel of money found on the slave at his arrest.

March 3.
No. 982.
12 $\frac{1}{2}$ pp.

Examination of Jupiter by Councillor Raguet.

Interrogation of the negro Jupiter, called Gamelle, owned by Mr. Pradel, arrested and imprisoned for theft. By Councillor Raguet, in the prison, on demand of the Procureur Général of the King. Negro declared that he could not write nor sign and document is signed solely by Raguet.

March 3, 1744. Order to communicate
above interrogation to the Procureur Général.
Signed: Raguet.

March 4.
(23786)
(3788)
fo. 29.
2½ pp.

Lease of house in
N. O. by Mrs. de
Chanfret de
Latiolais.

Lease of a house in New Orleans, with all its
dependencies, situated between Sr. Caüe and
Madam Trenaunay, by Dame Julie Moreau,
wife of Sr. Trenaunay de Chanfret, to Sr. Ray-
mond Coquelin de Latiolais, officer of this port
of New Orleans, for the term of one year at
the price of six hundred livres for the said
year, which shall begin April first and run
until the first of April of the next year.

Signed: trenaunay. tiolais Coquelin.
Chantalou. Cantrelle. Henry, N.

March 5.
No. 983.
13 pp.

Second Examination
of Jupiter.

Second Interrogation of the slave Jupiter, owned
by Sieur Pradel, who is guilty of theft, by Sr.
Raguet, Commissioner on this case.

Signed: Raguet.

Order to communicate to the Procureur Gén-
éral of the King.

Signed: Raguet.

March 6.
(3785)
(23780)
fo. 25.
2 pp.

Official Manumis-
sion by Gov.
Vaudreuil and
Commissioner
Salmon of Marie
Aram, a slave,
wife of Tiocou.

Petition to Governor Vaudreuil and to Mr. de
Salmon, Commissaire-Ordonnateur in Louis-
iana by the spiritual and Temporal Directors
and administrators of the Charity Hospital of
the Poor for manumission of Marie Aram, wife
of a free negro named Tiocou who worked in
the said hospital during seven years to gain
her freedom, which was granted by said Di-
rectors by notarial act passed July 10, 1737.

Signed: f. Charles Capuchin prst Curé.
Raguet.

Confirmation of manumission of Marie Aram
signed March 10, 1744, by Vaudreuil and
Salmon. (their seals affixed). By Olivier De-
vezin and Delaplace.

See this reported
in full in La. Hist.
Qy., Vol. 3,
pp. 551-3, Oct.,
1920.

Note by translator: Tiocou was one of the
negro slaves enfranchised for loyalty to the
French and valor at the time of the Natchez
massacre 1729.—H. H. C.

March 6.
(23782)
(3786)
3 pp.

Procuration
executed in Paris
by widow of
Georges Couturier
to J. B. Prevost to
assert her claim to
succession of her
deceased son
Francois J. Cou-
turier who died
in N. O.

Procuration to Sr. Jean Baptiste Prevost, Agent of the Company of the Indies, before Notary Royal in the town, bailiwick and Royal Seat of Montereau, Saint Yonne, by Dame Marie Masson, now Dame Ratel, Widow of Mr. Georges Couturier, burgher of Paris, as heir-ess of deceased Francois Joseph Couturier, her son, who died without posterity in New Orleans, at the time of his death; Councillor in the Superior Council of said place. Sr. Prevost is authorized by said constituent to act in her name and to claim all effects, vouchers, papers and documents belonging to her deceased son; to have an inventory made of all his goods and of his active and passive debts, to collect, receipt, and pay in her name, to examine, into partnership which existed between Sr. Couturier and Sieurs Rasteau and Le Bretton as to division, and verify goods remaining in their possession since decease of Sr. Couturier, to plead, protest, prosecute and seize as need may be, this procuration to subsist until revocation on account of the distance between them.

Dame Ratel signed with said Notaries the record in possession of Sr. Cretté at Montereau.
Signed: Derichemont. Cretté.

March 6, 1744. Certification of validity of above document signed by Chineau, Councillor of the King, President and Lieutenant General at said bailiwick.

N. B.—Affixed to document a mutilated seal on which salient parts can still be distinguished.

March 6.
(23785)
(3787)
1 p.

Certificate estab-
lishing the fixing
of boundaries
between two
adjoining owners.

Certification before Notary Royal at Pointe Coupée by Jacques Decoux as to ownership by Francois Allain of land claimed by him to the limit stake planted by Sr. Broutin as per agreement between said parties, Sr. Allain paying costs to that end.

Signed: Albe. Zatain (?). jacques decoux.
pasquier witness to present agreement. Patin.
mark of + Madam Decoux.

March 6.
(23780)(3785)
fo. 25. 2 pp.

The Charity Hospital grants freedom to a slave owned by it, in fulfillment of a contract made by free husband of the slave, whereby he worked for the hospital for seven years, to win his wife's freedom.

Manumission of Marie Aram granted by the Directors and Administrators of the Charity Hospital in recognition of contract passed between the Hospital and Francois Tiocou, who worked seven years without salary for his wife's freedom.

Signed: de Vaudreuil. Salmon. Olivier Devezin and DelaPlace. Seals with arms of de Vaudreuil and Salmon. See La. Hist. Qtly., Vol. 3, No. 4, P. 551, for a full report on this unusual case.

March 6.
(23785)
(3787)
1 p.

Agreement fixing boundaries of land in dispute.

Agreement between Francois Allain and Albert Decuir, at Pointe Coupée, Decou acknowledging that the land in dispute belongs to Allain, to the limit marked by Sieur Broutin; Sr. Allain consenting to pay costs.

Signed: Jacques decou. Albe ratquin.
Pasquier witness of present agreement.
Patin. + Mark of Madam Decoux.

March 6.
(23782)
(3786)
fo. 25.
3 pp.
(Broken seal.)

Procuration from France by the mother of Francois Joseph Couturier, deceased, one time member of the Superior Council, to Jean Baptiste Prevost to settle her son's succession in Louisiana.

Procuration before the King's Notaries in the bailiwick and Royal Jurisdiction of Montereau, Saut-Yonne, executed by Dame Marie Masson, widow of Sr. Antoine Ratil, officer of the Hotel of the Invalids of Paris, previously widow of Mr. Georges Couturier, burgher of Paris, a resident of Montereau, as heiress of her deceased Son Francois Joseph Couturier, who died without posterity in New Orleans, where he was Councillor in the Superior Council. She constitutes as her special and general attorney Sieur Jean Baptiste Prevost, Agent of the Company of the Indies, to settle said succession and to examine partnership existing between deceased Sr. Couturier and MM. Rasteau and Le Bretton and proceeds to division of assets of same. Signed by Dame Ratel in the notarial office of Sr. Crette with notaries Dericheme and Crette.

Certification of above document by Chimeau who has affixed his seal bearing his coat of arms. Chimeau, as Lieutenant General of the bailiwick and royal jurisdiction of Montereau.

March 7.
No. 984.
1½ pp.

Order for additional inquiry into the accusation against the slave Jupiter.

Order by Judge Salmon, dated Feb. 28, 1744, that additional inquiry be made into theft committed at Sr. Layssard's by Sr. Pradel's slave, Jupiter and that witnesses be confronted.

Signed: Vaudreuil. Salmon. lafreniere. fazende. Raguet. Le Bretton. Prat.

March 7.
No. 980.
2 pp.

Judgments of the Superior Council.

Geoffroy vs. Seben.

Session of Superior Council of March 7, 1744, where were present: MM. de Vaudreuil, governor; Salmon, ordonnateur; Raguet and Prat, councillors.

Judgments in following cases:

1. Louis Geoffroy, plaintiff, vs. Pierre Seben, called La Pierre, defendant: Against La Pierre who shall pay the sum of 173 livres, as balance on his account and costs.

Loune vs. Gauvain.

2. Between Jacques Loune, a minor, under authority of his stepfather, Gaspar, plaintiff, vs. Jan. Baptiste Gauvain, defendant: Judgment in favor of defendant, plaintiff to pay costs.

Megret vs. Pery.

3. Between Sr. Megret, called Lamoureux, plaintiff, vs. Sieur Gerard Pery, defendant: Against defendant in default, sentenced to pay plaintiff 1297 livres, 18 sols, 9 deniers, on his two notes of Aug. 30 and Dec. 8, 1743, and to costs.

Geoffroy vs. Jahan.

4. Between Louis Geoffroy, plaintiff, vs. Jahan, defendant: Against defendant, in default, who shall pay plaintiff sum of 625 livres as balance on his memorandum of June 4, 1743, under penalty of bodily arrest and to costs.

Geoffroy vs. Arelle.

5. Between Louis Geoffroy, plaintiff, vs. Francois Arelle, defendant: Against defendant, in default; he shall pay plaintiff 300 livres as balance on his memorandum of last January 24th, and this within a month, under penalty of being thereto bodily constrained and to costs.

Geoffroy vs. Rambin.

6. Between Louis Geoffroy, plaintiff, vs. Rambin, a tailor, defendant: Judgment against defendant who shall pay plaintiff 660 livres, 7 sols, 9 deniers, as balance due on

his memorandum of the 2d inst., under penalty of bodily constraint and to costs.

Signed: Vaudreuil. Salmon. fleuriau.
Raguet. Prat.

March 8.
(23680)

Letter from Pointe
Coupee to Henry,
Clerk of Council,
regarding succe-
sion of Haynault.

Letter from Pointe Coupée to Sr. Henry of New Orleans, by Sr. Trenaunay de Chanfret, asking for decree of Council concerning succession of Philippe Haynault, as he is anxious to effect sale of his effects to remit returns to legatees. He also requests to be sent a form of contract of marriage, sending one to Sr. Henry made by Sr. Potin.

March 9.
No. 985.
3 pp.

Affixing Seals upon
effects of Antoine
Le Moine who died
"an hour ago."

Affixing of Seals on effects of Sr. Antoine Le Moine, who died about an hour ago at residence of Sr. Guedon, surgeon of the King. Councillor Jean Baptiste Raguet accompanied by the Greffier (Clerk of Council), the Procureur Général and the huissier (crier, usher or sheriff); after viewing the corpse affixed seals to all effects presented by Sr. Gueydon after administering customary oath to him.

Signed: gueydon. Jean Videau. Raguet. fleuriau. Chantalou.

N. B. Chantalou must here sign as greffier; as substitute for Sr. Nicolas Henry.—H. H. C.

March 10.
No. 986.
7½ pp.

Inventory of
said effects.

Inventory taken of goods of deceased Sr. Antoine Le Moine, in residence of Sr. Gueydon, Chief Surgeon of the King in New Orleans by Councillor Jean Baptiste Raguet, accompanied by the Procureur Général, Greffier (Clerk of Council), huissier, and the Attorney of Vacant Estates.

Inventory covers bed clothes, chests, wearing apparel, nautical instruments, wigs, silverware, coin and paper money, papers.

Signed: P. Voisin, acting for Mr. Barbin.¹

Jean Videau. gueydon. fleuriau. Raguet. Chantalou.

¹Barbin was Attorney of Vacant Estates.

March 11.
No. 988.
3½ pp.

Examination of
Margot a negress
(slave) regarding
the Jupiter case

Interrogation of one Margot, a negress owned by Mr. Joseph Carriere, concerning Jupiter, accused of theft.

Interrogation by Councillor J. B. Raguet, signed by him followed by order from said Raguet to communicate copy of said interrogation to the Procureur Général of the King.

March 11.
No. 987.
2½ pp.

Examination of
Marie Joseph,
a slave, on the
above matter.

Interrogation by Councillor Jean Baptiste Raguet of one Marie Joseph, negress owned by Sr. Joseph Carriere, in criminal prosecution of Jupiter for theft. Interrogation and order to communicate to Procureur Général.

Signed: Raguet.

March 12.
No. 991.
12 pp.

Third examination
of Jupiter in
prison accused of
burglary.

Third Interrogation of the slave Jupiter, in prison, who was accused of burglary, by Jean Baptiste Raguet, Commissioner on this case.

Signed: Raguet. Henry, Greffier.

Order to communicate to Procureur Général. Signed: Raguet.

March 12, 1744. Demand by Procureur Général that one Alexandre, a negro slave, be bodily apprehended and remain a prisoner until end of prosecution and final judgment.

Signed: fleuriau.

March 12.
No. 990. 1 p.

Official order for
arrest of Alexandre,
a slave, in connec-
tion with the
Jupiter affair.

Order for arrest and imprisonment of Alexandre, a negro slave owned by Sr. Liotaut (d) in order to be interrogated and confronted with Jupiter.

Signed: Vaudreuil. Salmon. lafreniere. fazende. Raguet. Le Breton. Prat.

Document stained and slightly torn.

March 13.
No. 992.
10 pp.

Examination of
Alexandre, a Sen-
egal negro owned
by Lioteau, in
connection with
Jupiter affair.

Interrogation of Alexandre, a Senegal negro, owned by Francois Lioteau, who was brought in by the jailor as implicated in theft with the slave Jupiter. Interrogation conducted by Councillor Jean Baptiste Raguet who also signed.

Order to communicate report of said interrogation to the Procureur General.

Demand of Pro-
cureur General for
confrontation of
Alexandre with
Jupiter.

March 13, 1744. Demand by the Procureur General of the King for confrontation of said Alexandre with Jupiter, to be afterwards ordered what shall appertain.

Signed: fleuriau.

March 14.
No. 994.
3½ pp.

Confrontation of
said slaves.

Confrontation of slave Jupiter, called Gammelle, with slave Alexandre, concerning theft committed at Mr. Layssard's.

Signed: Raguet.

March 14.
No. 993.
2¾ pp.

Re-examination
of Jupiter.

Re-examination of slave Jupiter on theft committed at Mr. de Launay's lodging.

Signed: Raguet. Henry, Greffier.

(To be Continued)

**INDEX TO THE SPANISH JUDICIAL RECORDS
OF LOUISIANA
XXVI.**

August-October, 1777.

(Continued from July, 1929)

By LAURA L. PORTEOUS.

August 29.

**Emancipation of
Miguel Friloux
called San Elois.**

No. 3682. 5 pp.

Court of Alcalde de Villiers.

No Assessor.

Escribano, J. B. Garic.

The petitioner presents his baptismal certificate, dated September 8, 1756, which is to the effect that there was baptized Michel Eloi, son of Michel Frilouse of Friloux and Marie Francoise Picard, the god-parents were Michel Frilouse and Marie Francoise La Coste.

He sets forth that as it will be seen by this exhibit he is 22 years old. He asks that witnesses be called to testify that for more than two years he has managed for himself without anyone's protection. He works at his trade of a black-smith in this city and for these reasons all persons who have employed him can testify that he is capable and of sufficient ability and good conduct to be emancipated. De Villiers orders the testimony taken.

Francisco Birot, Luis Duchene, Claudio La Coste and Joseph Saulais each in a separate declaration states that he knows Friloux as a good boy, a good laborer, an expert in his trade and fully capable of managing his own affairs.

De Villiers rules from the merits of the foregoing testimony he must and does emancipate Miguel Friloux and in consequence gives him the faculty to receive and administer his legitimate paternal and maternal property.

September 26.

**Juan Subie as curator
of the Cazelar minors
vs.**

**Honorato de la Chaise
to collect the rental of
a plantation.**

No. 3700. 14 pp.

Court of Governor Gaívez.

Assessor, Cecilio Odoardo.

Escribano, Juan B. Garic.

The plaintiff presents two certified copies of notarial acts, one a power of attorney appointing Leonardo Mazange to represent his interests, the second the lease of the plantation. He then states that as it will appear by this public instrument, Honorato de la Chaise owes as a rental for his minors' plantation 361 pesos, 4 reales, as a remainder which he will not pay, although the debt is

long past due. He asks for a writ of execution for the full

amount of the debt its one tenth and costs, with the reservation to take action against his bondsman in case he has not the wherewith to meet this obligation. Galvez on Odoardo's advice orders the writ of execution issued. This ruling ends the suit.

October 7.

**Intestate Succession
of Bernardo Auricoste.**

No. 3667. 18 pp.

Court of Alcalde De Villiers.

No Assessor.

Escribano, J. B. Garic.

The record opens with the official notice of the death of Bernardo Auricoste, leaving minor children. The death is certified to by the escribano who gathers up the keys. The two escribanos then declare that the deceased filed no will with them. The Court then

declares the deceased to have died intestate and names the widow the guardian of the estate and orders the keys delivered to her. Pablo Prevost, a brother-in-law is appointed curator ad lites of the two minor children and orders that the necessary proceedings to settle the succession be taken. The widow receipts for the keys and Paul Prevost accepts and qualifies as curator naming as his bondsman, (name omitted in the written form for the bondsman to sign which is in consequence unsigned.) It is to be supposed that Mr. Prevost could not find anyone to sign his bond.

Pablo Prevost is confirmed in his appointment to the curatorship and asks to make an inventory and valuation of the estate, naming Juan B. Poeyfarre as appraiser. The Court accepts him and orders Mrs. Auricoste to name hers and then to proceed with the taking of the inventories. The widow names Andres Bodaille, both appraisers accept and qualify. The inventory is taken. The estate consisting of house furnishings, wearing apparel, slaves, a house in which he lived etc. The entire estate is valued at 841 pesos.

The widow as guardian of the estate then presents four vouchers and gives her account and sworn statement.

RESUMEN

Assets	845	4
Debts	1293	5½
		<hr/>
Remainder. (deficit)	448	1½

This ends the record.

October 12.

Gabriel Peyroux de la Roche Molive vs. Miguel Chiason and Francisco Antailla for the restitution of a piece of land.

No. 3697. 24 pp.

Court of Governor Galvez.

Assessor, Cecilio Odoardo.

Escribano, J. B. Garic.

This is an old case re-opened and is both unsatisfactory and incomplete. The suit opens with the records of some proceedings that had taken place the year before in Unzaga's Court. The first entry is a petition by the plaintiff setting forth that four years before he had settled upon a piece of land consisting of thirteen arpents situated about twenty-two leagues distant from the city

on the upper river, same side. In conformity to the document that he duly presents and in consideration that he has no title to ownership he petitions that one be delivered to him and that he be conceded the thirteen arpents. On the same sheet of paper, April 19, 1776, Unzaga rules notify the Commander, Mr. Cantrelle, upon the pretensions of this party. Just below Unzaga's signature, dated Cabahannoces July 3, 1776, Michel Cantrelle writes; The said land that Mr. Perroux demands has been promised for two years by the late Mr. Verret to Michel Chiasson and Francois Antailla as it was abandoned by Mr. Bellevue when he failed to conform to the ordinance prescribed and that the above named residents have made the roads and kept them in order during that time. Still on the same sheet of paper dated New Orleans, July 9, 1776, Unzaga rules: Considering the foregoing, notify the Commander of the District of Cabanocoe that as it appears the land has been abandoned through Mr. Bellevue's absence from the Province to whom the thirteen arpents of land were conceded, mentioned in the document, that Mr. Gabriel Peyroux presents in the foregoing written petition. His negligence is apparent since he waited for two years before he claimed a title. In the interval the said thirteen arpents were offered by the previous Commander (Verret) with Unzaga's approval to Miguel Chiasson and Francisco Antailla. In accordance with which they made the roads and levees that belonged to the land as the attached proves. Besides Bellevue, as a fugitive criminal, had not the power to transfer the concession to Peyroux. Considering then for this reason the abandoned land reverts to His Majesty's dominion. In his Royal Name it was conceded to Miguel Chiasson and Francisco Antailla, so if they present themselves with this decree before that Cammander he will give them possession of it, marking off for them the limits and boundaries and everything else that is necessary to the regulation of the affair. The proceedings of which will be committed to writing at length in continuation and signed by him and the abovesaid Chiasson and Antailla with the immediate neighbors. It will then be presented to me in order to provide a title in due form, notify the said Peyroux of this decree so

that neither now, nor at any other time may he take action against this land. Signed Unzaga attested before Garic.

The next two entries are letters from Unzaga to Cantrelle, dated New Orleans, June 27, 1776 and July 9, 1776. In the first he says he is sending the notes of requests and also the proces-verbaux drawn up by Mr. Bellevue for a title to a concession of land, the Commander to regulate the amount he is to have and to see that the contributions that the residents must make for the payment of the Church are forthcoming. He would like to have the names of the two residents claiming the plantation that formerly belonged to Mr. Bellevue as well as the information that he has demanded of him at the bottom of Mr. Peyroux's request on the same subject so that he may come to a determination. In the second letter Unzaga says: by the decree to the petition here attached he accords to Michel Chiasson and Francois Antailla the land that belonged to Mr. Bellevue and commissions Cantrelle to put them in possession of it, drawing up a proces-verbal of the operation. Also notify Mr. Peyroux of the matter whose demand he excludes so that he may have no further claim upon it, nor take action against the land. The letter contains further instructions for building levees and making roads which all concessioners must attend to as a requirement for obtaining the concession. The next entry is a petition to Galvez by Chiasson and Antailla residents of St. James at Cabannoces dated October 12, 1777, and is a plea against the re-opening of the case by Peyroux, the apothecary, and Galvez orders to put him in possession of the land when they have already received a final judgment as the foregoing exhibits show. Galvez on Odoardo's advice rules: send this petition to the opposition.

The next entry is a petition to Unzaga by Chevalier Le Grand De Bellevue, no date, by which he asks for a concession of the land he now inhabits at the German Coast that does not belong to him yet. He asks to be accorded a concession of 12 arpents of land at the Coste Acadienne in Mr. Verret's department at the place where in old times was located the village of the Alibamons on the left bank of the river, these natives left about a month ago to settle on the same Coast on the right bank of the river in Mr. Dutisnet's department. If His Lordship will accede to his request he and his family will go there to settle. (Signed) Le Chev. Le Grand De Bellevue.

Verret writes under thus petition dated Kabahan Nossce, January 30, 1771, saying that the demand made by Bellevue for the Alibamons' land may be conceded by the Governor because it has been returned to the Dominion of the King since it has been abandoned by the above named (Alibamos.)

Unzaga writes under on the same piece of paper ordering Mr. Verret, Commander of the Acadian Coast to make the con-

cession according to regulations to this effect promulgated by O'Reilly on February 18, 1770.

Just below Unzaga's decree on the same piece of paper, dated January 2, 1772, Bellevue transfers his concession to Marie Jean Gabriel Peyroux de Rochemolive.

The next entry is the copy of the proces-verbal, dated March 9, 1771, by which Verret as Commander of the Post and de Bellevue as surveyor measure off the land to be conceded to the latter, thus the concessioner actually surveys his own grant and signs in his official capacity with Verret and again as recipient of the concession.

This is followed by a letter from Mr. Cantrelle to Mr. Peyroux dated Cabahannoces, October 25, 1776, and is to the effect that Mr. Andry at Mr. Peyroux's request asked for a copy of Governor Unzaga's decree on the subject of the transfer of the Bellevue land, this he will send by the first available person. This letter is followed by the copy promised which is the same as the first 4 entries dated respectively April 19, 1776-July 3, 1776-July 9, 1776, etc.

November 14, 1777. Gabriel Peyroux de la Roche Molive now sets forth his grievances in a long petition to Governor Galvez claiming that the defendants have no right to the 13 arpents of land that belong to him lawfully, saying that they took advantage of the time that he was at the Arcadian Coast and knew nothing of their petition to obtain the decree of July 9, 1776, (Unzaga's), to despoil him of his land which belonged to him through the concession to Bellevue. He reviews the exhibits given and asks to have the defendants' claim annulled and the land given to him. Galvez on Odoardo's advice orders this sent to Messrs Chiasson and Antailla.

They answer presenting 4 receipts one to each from Andry dated October 25, 1776, his bill for surveying the land and the other two are signed by Cantrelle and are for their contributions to the Church. They then state that to avoid costs that this cause would occasion which they can not pay they agree to restore the concession to Peyroux and ask to be reimbursed for these sums paid out and also order him to pay costs. This is sent to Peyroux who agrees to pay the 25 pesos, 4 reales paid out by the defendants and to assume costs provided the suit is dropped and he is left in peaceful possession of his concession with a title to it issued to him in due form.

Galvez on Odoardo's advice rules that since Miguel Chiasson and Francisco Antailla have agreed to withdraw their claim to the Bellevue concession later ceded to Gabriel Peyroux, place the latter in possession of it upon his payment of 25 pesos, 4 reales and dismiss this suit. Let the secretary of the Government issue to Peyroux the proper certified title and record the deed in the book of concessions in his charge.

A marginal note signed Foucher says he has noted the foregoing title in the book of concessions as he was ordered to do by the foregoing decree.

October 15.

**Mariana Lerable vs.
Guillermo Fronton and
Guillermo Dubuson
(Dubuisson)**

No. 3687. 7 pp.

Court of Governor Galvez.

No Assessor.

Escribano, J. B. Garic.

To collect a debt.

Mariana Lerable, Widow Le Conte presents the original notes and asks to collect a debt of 600 hard pesos that the defendants owe jointly. Fronton denies the debt. The plaintiff asserts that it is a just debt and asks to have the defendants put in prison until the conclusion of this suit and justice is done to her. This petition ends the suit.

October 18.

**Sale of the schooner
"The Carlota" belonging
to Messrs Mespler Brothers,
Commanded by Captain
Nicolas Recommenee.**

No. 3691. 6 pp.

Court of Governor Galvez.

No Assessor.

No Escribano named.

The first entry is a statement of what it would cost to repair the sails of the schooner, amounting to 176 pesos, 6 reales, dated October 18, 1777. The second is the proces-verbal of the expert examination of the schooner the Charlotte, Captain Nicolas Recommenee, master, Messrs Mespler Brothers of Port au Prince, owners. This is signed in New

Orleans, October 18, 1777, by Augustin Fabree, J. Marchaiz Langagnerie, Etienne Plauche, Isidro Miller, Captain, and is to the effect that they, the experts, required and approved by the Commissioners of His Majesty, after due examination, declare what changes and repairs are necessary to the schooner all of which will cost 3000 livres, silver of this colony. The third entry is the proces-verbal and declaration concerning the schooner, "The Charlotte" by the Captain, Marine Officers and sailors forming the crew. They declare that no repairs have been made to the hull of the ship other than to recover it on the outside from its waterline to its wale. That carpenters have changed various treenails, starboard and larboard (port) and repaired many bad places sufficiently to keep out the water. These reparations have been made against the wishes of the owners, who would not give anything more than a simple coat of tar to the hull level with the water. They go into much detail about the unhappy lot of mariners who have to navigate an unseaworthy vessel. Signed N. Recommenee, B. Dugue, Manuelle Priez and by the marks of Bertrand Perodeau, Jos. Dugue and Thomas Fouché.

On October 19, 1777, Villars (no first name given) signs a statement which reads: Whereas by us the Commissioners of His Most Christian Majesty in Louisiana by the proces-verbal here above we authorize the Captain under the good pleasure of the Governor to sell the schooner "The Charlotte" as it is incapable to continue its voyage and that the repairs to put in a sea-worthy condition will be too costly. It is to the best interests of the owners to sell.

Galvez approves and orders the license issued to sell the schooner "Carlota" of about 70 tons. The three public calls are made October 18, 27, and November 5. The auction is held November 24, with Nicolas Jurdain as crier. After spirited bidding among Joseph de la Place, Luis Liotaud, Luis Le Sassier and Etienne Plauche it is sold to the last named for 200 pesos.

October 20.
**Margarita Sular vs.
Luis Querio, her husband
to prevent him from selling
her legitimate property.**
No. 3701. 8 pp.
Court of Alcalde Forstall.
No Assessor.
Escribano, Andres Almon-
ester.

The plaintiff presents a notarial act of a marriage contract dated August 13, 1763, between Louis Quiery, son of the deceased Francisco Quiery and Dame Catherine Le Brun, native of Havre de Grace in Normandie, Archbishopric of Rouen, Parish of St. Francis for one part and Miss Marguerite Soulard and of Dame Anne Magdelaine Boyer for the other part.

In this contract the bride's property and her claims on her husband's estate are clearly specified. She then asks to have her husband prevented from selling or alienating her property; because on account of his bad conduct he has ruined himself. Alcalde Forstall orders this petition sent to the defendant and instructs the escribano not to pass any act of sale or alienation for Luis Queiri. This ends the suit.

October 20.
**Extrajudicial sale of the
property left by
Pedro Courty.**
No. 3674. 9 pp.
Court of Alcalde de Villiers.
No Assessor named.
No Escribano named.

Francisco Braquier, testamentary executor and guardian of the estate left at Pedro Courty's death, states that by the will that he duly presents (not in the record) that it is convenient to the rights of the heirs that all the testator died possessed of be sold at public auction. He asks the Court to grant

him a permit to do so. Alcalde de Villiers grants the request, the three public calls are made October 20, 23, and 26 and the auction is held on the 29. Judging from the inventory and sale the deceased must have been a wine dealer as his estate consists of wearing apparel, wines and liquors and brings 638 pesos, 5 reales. This ends the record.

October 23.

**Juan Pizeros vs.
Juan Waugh.**

No. 3696. 3 pp.

Court of Governor Galvez.

No Assessor named.

No Escribano named.

To collect a debt.

Antonio Marmillion, testamentary executor of Juan Pizeros' estate, through Francisco Broutin curator for the minor children states that it will appear from the two notes presented (not with the records) that Juan Waugh owes the Pizeros's succession 635 pesos, 4 reales and as he also owes many

other debts in this colony he asks that an inventory be taken of all his property and that he be paid the debt from the proceeds. Galvez rules: let him take action against the heirs to whom belongs the right to ask inventories.

Marmillion then asks that in obedience to the foregoing decree to have Oliver Pollock declare, under oath, if he is not testamentary executor and guardian of Juan Waugh's estate and if not who is? Also if Juan Campbell has not been named to act with him in these two offices and who are the heirs? Galvez orders Oliver Pollock's declaration taken. He says that it is true that Juan Waugh has named him jointly, with Juan Campbell and his wife, as testamentary executors and that his heirs are his wife and a brother who is in London. Marmillion signs a receipt that Mr. Garic has returned to him his original notes. This ends the record.

October 30.

**Criminal prosecution of the
negroes Clement and Jacobo
belonging to Don Pedro
Cabaret, charged with
murder.**

No. 3672. 94 pp.

Court of Governor Galvez.

Assessor, Cecilio Odoardo.

Escribano, J. B. Garic.

Clement confessed and after trial is condemned to death and he was executed in the Plaza (now Jackson Square) and his body put in a sack and put into the river.

Jacobs was tortured by fire, but did not confess. He was acquitted of the charge, but found guilty of theft, and condemned to receive 200 lashes at the foot of the gallows, and he received the punishment.

The first twenty pages of this record are given over to the taking of testimony at the German Coast to ascertain what has become of Pierre and if murdered, who killed him. These proceedings are held in the Court of Francisco Seimars de Bellile, who is the Commander and Judge there, with Charles Laveau Trudeau, (Louis Augustin) Meullion and Pierre Trepagnier as witnesses, assisting in the examination of all who might have any knowledge of the affair.

Seimars de Bellile begins the summary investigation by saying, that he has been informed that a negro, Pierre, belonging to Mr. Cabaret and his overseer, returned from the city in a conveyance, "voiture" (later called a

pirogue) Monday the twenty seventh of the present month with a negro called Guiaca owned by the same master. When the

slaves were in front of Mr. Bellile's house they heard a loud cry given repeatedly. Pierre disembarked to go to see who called and from that instant has not been seen again. Guiaca was arrested because he was in the pirogue with Pierre and the last to be with him. Under questioning he says: he went to the city with Pierre the Saturday before, the twenty fifth, they spent the night at Mr. Monplaisir's house and slept with his mulatto, Louis and Noel. In the morning they went to say good-day to Mr. Monplaisir whom they met on the levee. They also went to Mr. Arnoul's house where they met, Beluc, the carpenter, then they left for home in the pirogue. They remained together until they were in front of Mr. Bellile's place when Pierre went ashore to answer the call they heard. They had on board a case of oil for Mr. Bellile. At that moment he saw the mulatto, Joseph, Mrs. Macarty's hunter, who came up and asked for Pierre. He answered, "he went to see who called" Joseph replied; "I know who called," and when he said: "Who?" He refused to answer.

As Pierre did not come back he took the oil to Mr. Bellile's house. Entering the court he met Rose, a house servant, who asked: "Where is Pierre?" He told her Pierre had come ashore because he thought he heard Mr. Bellile call him. Rose said her master did not call as he is away from home. After he put down the oil he went into the kitchen to get warm, there Colas, a domestic, told him that Clement had run away and had been arrested there, that morning, but he had escaped. He asked Colas where Clement was, but he said he did not know. He went back to the pirogue and waited for Pierre for a long time and when he did not come he went alone to Mr. Meullion's where he asked him to let Antoine, one of his negroes help him to carry Pierre's effects. They took the things to Marie, Pierre's wife. Mr. Cabaret was on his gallery and asked "Where is Pierre?" He answered him; "He went to answer a voice that called many times when we were in front of Mr. Bellile's house."

Mrs. Macarty's hunter, Joseph, when called and questioned if he was on the banks of the river when Guiaca arrived from the city last Monday? He said yes, he went there that day to catch ducks, he met Guiaca who asked him to look after the pirogue for a moment while he delivered some oil at Mr. Bellile's. This he did and when he returned, said "Has Pierre come back " He told him "No." Asked if he had told Guiaca that he knew who had called. He said no he did not make such a statement. Asked if it is not true that last Tuesday when Guiaca went to ask him if he knew who had called Pierre the day before he said that he did. He answered that Guiaca came to his cabin on Tuesday while he was at breakfast and told him that Mr. Cabaret had sent him to ask if he had seen Pierre, his reply was: "Why has Pierre not returned." When Guiaca told him "No" he was very much disturbed because Pierre is his uncle. He told him

that he had not seen him. He went to his Madame's house and has not seen anyone since.

Guiaca is recalled for further examination. Asked how was it that he was in the same pirogue with Pierre and did not know who called. He said he remained quietly in the boat because he thought it was Mr. Bellile who called and it was only when he got out and carried the oil into the house that he found out that he was not there. Questioned if Pierre had any money with him when he left the pirogue. He said yes he had money in the pocket of his trousers, he was sure of this because he sold some pigs in the city and had not spent all the money. Asked if they had any rum or anything else to drink in the boat. He said no and that it is well known that Pierre did not drink. There was a bottle in the pirogue, it did not hold liquor but grease. It is now in his father's cabin by the fire. Asked why was a cannon ball found in the boat, he said when they came up from the city they saw it on the banks of the river and Pierre told him to take it along as it would serve him to make weights for the pigs. Mr. Bellile then remarked, when he arrived at his house and found that he had gone further up the river he must have known that it was not he who had called. Guiaca answered, he then thought it might be some one from Mrs. Macarty's who called Pierre to speak to him.

Questioned now that he sees that Pierre will never return what does he think happened to him. He said he thinks that it was his brother, Clement, who assassinated him. Asked why he has formed this judgment, he said knowing that Clement was a fugitive last Monday, after robbing Mr. Braquette in the city and knowing that Pierre would not spare his brother, Clement, when he committed such faults to which he was strongly addicted he is convinced that it is Clement who killed him to avoid the punishment his brother would surely give him because he was his master's overseer.

Mr. Bore's Batholome is the next to be heard. Asked if he had met Clement the day Pierre disappeared and if so at what hour? He said no, this is not true, but Monday night he had been to Mr. Cabaret's and leaving there had gone to Janne-ton's and chatting with her upon what had happened to Pierre she said that she was sure that it was Clement who had killed him because he had hidden his gun in the field before going to Mr. Bellile's where he was arrested as a run away and from which place he escaped. On that same Monday evening when he returned he had money in his pocket. After that his master arrested him.

Mr. Cabaret's Janeton upon examination declares that she is convinced that Clement killed Pierre as he had often been taken for stealing and that his brother, the overseer, had told him that the first time he stole again he would be killed with the beating he would receive. She thinks because of this threat,

Clement killed Pierre. Asked where was Clement the Monday before? She said that having gone to Mr. Bellile's to get some plates, she had seen him come back some little time after, at the field gate, where a party of laborers had gone to work. He took his gun from Mr. Cabaret's Marguerite, who worked with them and had brought it because Clement had told her to do so and that after he had cut his cord of wood, he was going hunting to kill squirrels. After mid-day when she went back to work she heard that Clement had fled. All the negroes knew when they came back to work that Marguerite had brought Clement his gun and were sure that he meant to kill with it.

In the evening when she heard that Pierre was missing and that he had been called from the pirogue on his way back from the city, she thought immediately that it must be Clement who had called to murder him. Questioned if she had seen Clement in the evening when he returned and at what hour? She answered that at dusk that same evening she heard Clement as he passed in front of her cabin, who said: "I go to give myself up." He repassed a moment after saying: "I will give myself up, I do not fear anything." Asked how she knew that Clement had money on him? She said because Jean Baptiste told her so, and when she heard this she remarked: "This is surely Pierre's money."

Mr. Cabaret's Jean Baptiste under examination gives the following testimony. How did he know that Clement had the money when he came back? He answered that on Monday evening Clement came to his cabin and told him: "Go look in my sheaf of rice (gerbiez de rie) I have hidden money there, I will give you twenty five sols." He looked everywhere in the sheaf but did not find anything. He returned to the kitchen where Clement told him he would be, and reported to him that he did not find anything. From there he returned to his cabin. During the night he heard some one at the stack of rice which nearly touched his cabin, he got up to see who it was and found Lisette, Clement's wife, who belongs to Mr. Trepagnier near the stack. He asked her what was she doing there and she answered that she had come to get some rice and that she had said she would return to her master's house.

Asked to whom did he think the money belonged that Clement had tied up in his sheaf. He answered that it belonged to Pierre, because Clement had been a fugitive in the morning and when he came back at night he had the money. Questioned why he had thought the money was Pierre's when he had been sent to look for it. He said because Clement told him it was in a tiny little bag and he had seen such a one in Pierre's hands. Asked if he would recognize the bag if it was shown to him. He said yes he would know it. Asked if he had ever seen the little bag that was now shown to him, he said no.

Mr. Trepagnier's Lisette is questioned. She was asked what she had gone to do last Monday night at Clement's stack of rice. She said that on that night she had come with Mr. Cabaret's Marton to see his Marie and that when they were near the kitchen, Marton had said: "Go in thou wilt find Clement lying down on the bed." Questioned if there was anyone there? She said: "Yes, Mr. Cabaret's Leveillee."

Asked if she got in the bed where Clement was lying down? She said yes and that he had said to her very low: "Go to my stack of rice where you will find something to the front on this side." She replied: "If this something is like the stolen goods that thou hast brought to my house and that Mr. Bellile found, I do not wish any." He answered: "No it is not anything like that." Then she asked him immediately: "Where is Pierre?" Everybody thinks you have killed him, take care that this may not be true. He answered that he had not seen Pierre. She implored him for the love of God to tell her if he had killed Pierre. He assured her that he had not.

He promised her that he would return the next evening, but he did not do so. However he came two nights later and told her that Mr. Cabaret had gone to Mr. Kernion's to find his gun, but this is useless as he will not tell where his gun is. She said to him: "Thy gun is very dear to thee, for all that thou wilt give it up. Tell me where thou hast put it." He answered it was useless to questoin, he would not tell. Asked what she meant by saying: "Thy gun is very dear to thee, for all that thou wilt give it up." She said that all the negroes thought it was Clement who had killed Pierre.

Questioned why she thought Clement had killed Pierre? She said that every time Clement stole, Pierre corrected him and as he had stolen again he killed his brother so as to avoid his corrections. Asked what she thought Clement had hidden in his rice stack when she went to look and did she think that it was anything that was stolen? She said no she did not think so because he said that it was for Clarise, their daughter.

Questioned if Clement had said that what she was to look for was in a handkerchief, or anything else? She said no. When she went to look, Mrs. Trepagnier's Pierot was with her and that they did not find anything, she rejoined Pierot she said to him, "I have been to look for a handkerchief that Clement had tied up there." This she said so that he would not go back to search after she had left. Asked if she went back to look again? She said no but that she thought there was something hidden and that the thing would be discovered when they went to look for it in the stack. Asked if she knew Clement's purse? She said yes he had one made of coarse cotton. Asked if she knew Pierre's purse? She said no.

An examination is now made of the rice stack by Messrs Cabaret, Meullion Hazeur (Delorme) and Trepagnier. They

went and turned out Clement's sheaf of rice to find out what he had hidden therein. They brought back a purse made of cotton yarn with cords also of cotton. The purse and strings had some blood stains on them, and contained five piastres gourdes and four piastres in money which Mr. Bellile placed in a paper and enclosed in a linen bag. These same 9 piastres he sealed up with his own signet at the end of the interrogation. The gentlemen named above declared that they found the purse in Clement's sheaf of rice when it was turned out in their presence by Jean Baptiste and Lisette.

Mr. Cabaret's Marie, Pierre's wife is the next witness. Asked how long her husband had been away and what had become of him? She said he had been away eight days, since Saturday, October 25th, when he had gone to the city to sell some pigs in a pirogue with Guiaca belonging to her master and that when the latter returned alone on Monday she asked "Where is Pierre?" He answered that he thought Mr. Bellile had called him when they arrived at his landing and when he did not return he got back into the pirogue and went up to Mr. Meullion's house alone. He told her that it was surely Clement, who had run away, who had called Pierre, because Mr. Bellile is up above on the river. At that moment Mr. Cabaret's little colored girl, Marie Jeanne came to call her and told her that Clement asked her to go to the field, she went there and found him leaning against his cabin, he asked her for a piece of calico. She gave him what he had asked, then prepared her supper.

She went out for a moment before going to bed and found Clement at her door. He asked if Pierre had come back and when she said no he said he had slept badly and that he would wait until he came back, then he went to bed and in the morning Mr. Cabaret arrested him and put him in irons where he is now. Asked if Pierre had any dispute before with Guiaca, or any of the others, she said no. Questioned, "What could have become of Pierre?" She answered that she thought it was Clement who had killed him because they never agreed. Clement always stole and Pierre whipped him for it.

Questioned if she knew if Clement had a gun when he ran away? She said she was sure he had his gun with him because he had come to look for Marguerite who had brought the gun. Asked if Pierre had a purse to put his money in and if she would recognize it if it was shown to her. She said yes she would know it, that it was of knitted cotton. When the purse that was found in Clement's sheaf of rice was shown to her she said yes it was Pierre's, then she began to cry.

Jean Baptiste is recalled to identify the purse found in Clement's sheaf of rice, this he does to the entire satisfaction of those examining him. Mr. Monplaisir's mulatto, Luis is questioned next, he has been guarding Clement since his ar-

rest. Shown the knitted purse and asked if he had ever seen it, he said no, but Mr. Cabaret's Leveille who kept guard with him had seen one. Wednesday Clement had drawn out 3 picayunes that he had given him to buy him some eggs. Asked if Clement had told him where the gun was? He said that he had told him in the presence of Messrs Meullion and Trepagnier whom he had asked to have called that if they would untie his hands he would conduct them behind Mr. Bellile's house where he would show them the gun in a mass of briars, Clement was taken to this place by the witness, (Luis) and Appollon, Mr. Meullion's negro overseer.

Leveille is called and confirms the testimony that he was given 3 picayunes to buy eggs for the prisoner. The money was taken out of a white purse, which was not on him when he left for the woods, after looking about the room for this purse it was finally found under the mattress. This was identified by him as the one Clement had had in his hand on Wednesday when he gave him the money. Lisette, is recalled and also identifies the purse found under the mattress as Clement's.

Mrs. Trepagnier's Pierot is the next to be examined. Asked if he had gone with Lisette, on Monday, to look in Clement's stack of rice? He said yes this is true. He went to take Lisette to Mr. Cabaret's, she went into the kitchen, but he remained outdoors. Leaving there, Lisette went to Clement's stack of rice while he who went with her remained at a great distance away. Asked what she said when she joined him. He answered she said she had come to look for something that Clement said was hidden there, but she had found nothing. He asked her what it was, but she would not tell him.

Questioned if he had seen Clement on Monday? He said he had seen him that night at the door of his cabin as he returned carrying a load of wood to Marton's cabin. Clement asked if Mr. Bellile had been to Mrs. Trepagnier's house, he answered he did not know as he had gone out to the cypress grove where he worked all day. Asked if Clement had any money on him? He said that while he was talking in moving his hands he touched Clement's pocket and that he had some money there. Did he ask where the money came from? He said no. Did Clement have his gun? He did not see it.

What does he think became of Pierre? Seeing that he did not return and that Clement had not appeared all day at his master's house and was arrested, he said to himself that he had killed Pierre for his money. Clement feared Pierre more than he did his master. Asked how he could think that one brother could be so wicked as to kill another? He said that what made him think that Pierre was killed by Clement is because he heard him say on one occasion when his brother had committed a theft: "If I do not kill Clement he is capable of killing me."

Mr. Cabaret's Marguerite under examination answers: Is it true that on the morning of Monday the 27th of October, she had given Clement his gun? She said yes this is true that when Leveille had awakened the negroes on Monday last, early in the morning he said to Clement, Mr. Cabaret calls you and he had said to her: "Go take my gun and bag that are in the cabin and carry them to the field when I will have cut my cord of wood I will go to kill some squirrels." She took the gun and powder horn to the field in front of all the negroes. Clement came some little time after and called her, she said: "Thy gun is here." He came and took it, a moment after she realized that Clement was running away then she began to cry, saying: "Oh my God what shall I say now that I know that Clement is running away."

Asked if she knew when Clement had returned and what day? She said that the same day she had heard that Clement had come back and that Mr. Cabaret had put him in irons. Questioned if she knew what had become of Pierre? She said she did not know, but the moment that his purse had been found in Clement's sheaf of rice she had heard all the negroes say that it is possible that Clement killed Pierre because he had stolen his purse. Asked if she knew Pierre's purse? She said yes, it was a knitted one. She was shown a purse which she identified as Pierre's. Asked if she would recognize the gun and bag she carried for Clement? She said yes she knew them. The bag for bullets was of red leather like the skin of a roebuck.

Asked if Pierre had any quarrel with Guiaca, or any of the negroes? She said that Pierre never had any disputes with any person. Asked if Pierre had any trouble with Clement? She said he whipped Clement well when he robbed anyone and that the last time Clement had stolen Pierre had said if you continue to steal you will be severely punished. Pierre was a good friend to his brother and never ate anything without sending some to Clement.

When Marguerita's deposition was finished, Messrs Hazeur (Delorme) and Trepagnier who had accompanied Clement to the place where he had hidden his gun which he had told them was at the end of Mr. Bellile's land among the briers, gave their testimony. They found the gun, the powder horn, and the sack of lead. The horn was without powder, the sack had some grains of lead, the gun had been discharged. When the two gentlemen saw this they said: "Thou canst not any longer deny that it was thou who hath killed thy brother, lead us to where his body is so that we may give him burial." He answered them that he did not know where it is.

At this reply the gentlemen threatened him with the punishment he merited for his crime. He said he did not kill his brother, that it was Mrs. Marcarty's mulatto, Louis, who is

now a fugitive, who had done so. However he finally led them to the body, near the cypress swamp, that was covered with some brush wood. They found the body in perfect condition and recognized it as Mr. Cabaret's Pierre. He received what seems to be a gun shot wound in the left side in the breast and in the cheek which seem to have killed him. These gentlemen raised the body and carried it to Mr. Meullion's house where Mr. Bellile viewed it. After examination he declared that Pierre died of a gun shot wound in the superior part of the breast on the left side and in the face on the same side.

Clement was then brought in and questioned why had he killed his brother, Pierre? He answered that Mr. Bellile knew very well that a robbery had been committed, because he had wished to arrest him last Monday the 27th, and that he had escaped and gone from his master's house whom he met as he was going to see his negroes cutting wood that Mr. Cabaret wished him to take back, but he was afraid he would be arrested he did not wish to follow him and when his master was a long way off, he sent Constance, a young negress of the plantation, to call him, he told her to say she had not seen him and to send Marguerita, a negress of the same plantation, to him, when she came he asked her to bring him his gun and powder horn and put them against the fence, this she did but when he arrived a little later he could not find them, he called her and she came and showed him where they were. Asked if he had not told Marguerite what he intended to do with the gun he said no.

Questioned where he had gone after that? He said that Jacob, a negro belonging to the same master had said to him you do not wish to be arrested do you? Then he went down to the edge of the woods just by the land marks of Mr. Bellile's plantation where the cultivation stops, and that a moment after, Mrs. Macarty's mulatto, Louis, who has been a fugitive for a long time, joined him. He was reminded that he was not telling the truth because he had told Messrs Hazeur (Delorme) and Trepagnier that it was the mulatto who had fired the shot. He answered, if it was the mulatto it was he, the witness, who was guilty. It is true that Mrs. Macarty's mulatto remained with him a long time to see if his brother, who was in the city would return, with the intention to kill him because just as soon as Pierre knew that he had committed a theft he would play the devil. Louis had said to him: "Kill Pierre." When he actually saw the pirogue, which passed while he was amusing himself chatting with Louis, he then called several times, without naming any person. Guiaca who was in the same pirogue answered and Pierre got out and came right to them and although when he had called him he had intended to kill him, fear took possession of him and seeing Pierre coming towards him he began to move backwards.

He was asked why he did not tell the truth since he has told Messrs Trepagnier and Hazeur that he had gone backwards so as to lead him further away so as to carry out his intention. He answered that it was true and that it was his real intention as Pierre followed him and he drew back it was always he who led him further back into the woods, when he came to a clump of canes beaten down he waited until Pierre was very close then he fired his gun and killed him. Asked what had become of Louis during this time? He answered that after he had said, when Pierre came up to them, "Thou art afraid, thou hast not they gun in thy hand." He remained behind and did not join him until after he had fired his gun and that he helped him to take the body to the woods and cover it with briers. Then they separated, the mulatto went down and he went up and that he had hidden his gun and horn where it was found. From there he returned to his master's house where he was arrested for stealing and put in irons.

Asked if he had searched Pierre after killing him? He said that Pierre's purse fell out of his pocket when he was shot and that Louis picked it up and gave it to him with the money that was in it and that he had hidden it in his sheaf of rice near his cabin. Asked if the mulatto had taken anything? He said he picked up a red handkerchief that Pierre had let fall. Asked if he knew where the mulatto had gone? He said he did not know. Questioned why neither powder nor lead were found? He answered that he had very little of either one or the other and that when he fired his gun there remained but a few grains of lead in the sack and that the little powder that remained, fell out when he ran and lost the stopper of the horn.

Asked what he had done after committing such a crime? He said he returned to his master's house as he has declared, hoping that his crime would not be discovered. Asked if he had meditated killing his brother for a long time? He said it was after his return from the city he had said to himself: "If my theft is found out. I will kill Pierre." Asked if he had an accomplice? He said he had but Jac (the rest is torn away) who had said many times that with Mr. Cabaret we will be very happy, Pierre must be killed, but he had not spoken to him of this the last time, he had only said to him, "Save yourself," when Mr. Bellile sent to arrest him. Asked if he had anything more to declare? He said no.

Asked if Guiaca had not climbed up into the branches of the tree to see where Pierre had gone? He said he had not seen him do so. Asked if there were any persons at Mr. Cabaret's who had known of his intention to kill his brother he said no, that he had not told anyone, but after he had fired the shot he told Jacob when he asked: "Where is Pierre?" He said, he has gone, he will not return again." Jacob told him that was good,

but he must take care of himself. Asked if Marguerite when she brought him his gun knew of his intention? He said no.

All these foregoing depositions are signed by Messrs Bellile, Meullion and Pierre Trepagnier. Then Mr. Bellile as Judge rules: Let the above said procedure be sent before Mr. de Galvez, Governor General of the Province of Louisiana. At Des Allemands, November 3, 1777. Just below, same date, Galvez decrees: Send these proceedings to my assessor's office so that he may advise me with all the haste possible for the judgment that belongs to this cause. With Odoardo's advice, he rules: Arrest and put in prison, Mr. Cabaret's slave, Clement. Issue a writ of arrest against Mrs. de Macarty's mulatto, Luis, and Mr. Cabaret's Jacob, considering the absence of one and the flight of the other, entrust Clement's apprehension to Don Pedro Trepagnier. Let it be made evident by the certification of the warden of the prison that he holds him at Governor Galvez disposition and proceed to receive his confession the taking of which is entrusted to the Assessor. Let Juan Duforest be appointed interpreter, who must first accept and take oath.

Duforest qualifies as interpreter. Francisco Muñoz, warden of the prison, certifies that he holds in prison, Mr. Cabaret's slave, Clement. Cecilio Odoardo in the presence of the interpreter and the escribano receives the prisoner's confession. In answer to the usual questions, he says his name is Clement, a creole of Mobile, aged about twenty-five, bachelor, and farm laborer for Mr. Cabaret Detrepis, his master, who put him in prison, because three weeks before he came to the city with him as driver of his calash. When they arrived they went to Mr. Francisco Braquier's shop where his master bought two pieces of calico and leaving them together ordered the witness to look after them and that Mr. Braquier delivered them to him. He wished to buy some of the same quality for his own use he asked him if he would show him some pieces, he selected the best so that he was given three pieces which he carried to his house and showed them to Don Francisco Bellile and to his master who were together. They told him that they were like what his master had bought.

At nightfall he returned to the same shopkeeper in company with Juan Baptiste, Mr. Dusseaux's slave, this time while the witness talked to Mr. Braquire, his companion stole a piece of calico that the witness had picked out together with another piece that was separated by a peice of woolen stuff and a big blanket. When the shop keeper noticed that the negro was missing he asked the witness; "Where is the negro who came with you? He answered that he did not know and then Mr. Braquier went to look for him in the kitchen, but did not find him there, the witness took his leave and having met Juan Bautista they divided the theft and parted. He going home in the calash on Friday,

Mr. Bellile, remaining in the city, Mr. Braquier informed him of the stealing.

When he returned home on Saturday he immediately informed his master of the robbery. Mr. Cabaret sent him to Mr. Bellile's plantation for a large basket of silver and when he arrived he explained his commission. He questioned his wife about the silver but she answered that Mr. Cabaret had none there. Then he told the witness go into this room while they looked for the silver, but the witness suspecting that this might be stratagem to secure him did not wait, but returned to his master's house and said to him, "Did you send me so that they might catch me?", and he answered: "No I sent thee for the silver." He went into the house, but Marguerita, a domestic slave of the house said to him they wish to catch you and that now they have opened your cabin to see if they will find the stolen things there, they really found them in the hands of the other negroes of the same plantation to whom he had sold them for corn, except the piece of calico that he had delivered to Maria to give to her master.

Jacob said to him: "If thou wilt believe me, go, because all of us are warned to catch you," and that he had answered him: "I can not go without seeing Maria to know news of the house and if Pierre has arrived." Jacob called her and when she came he asked her if Pierre had arrived. She answered no and added, "godfather they have taken all that thou hast stolen from Mr. Braquier's house except the piece of calico which thou hast delivered to me." This she took out from under her mattress where she had put it when he fled from his master's presence last Monday the 27th. After the conversation that he had with Maria and Jacob and the news that Marguerita had given him, on that same Monday night he went and passed it in Maria's room until morning, then he went to talk to his master who told him to wait until Mr. Meullion's negro came he would put him in chains.

Asked if he remembered making a declaration before the Commander of the German Coast and if he wished this included in his confession. This was read to him word for word, he then said he would tell the truth as follows: The forenamed Monday at eight o'clock in the morning when he fled he asked Marguerita for his gun and powder horn with the intention to wait for his brother, Pedro, on the road as he has declared. He was in company with the mulatto, Luis, who is a run away and unarmed and that all else is as he has declared in his deposition that has been read to him which he now ratifies and affirms and that he will always speak the truth when questioned.

Asked if he had not made known his intention to Marguerita, Maria or any of the other negroes on the plantation, he said only to Jacob, he told him beforehand and he replied: "I will be glad if thou doth this, we will be happy with Mr.

Cabaret," but he, the witness, vacillating what resolution he should make, whether to ask pardon through Mr. Trepagnier, or kill his brother. Jacob influenced his determination to the latter with the words that he has stated above, adding that if he killed him he would go to help bury the body. Then he began to prepare for the killing of his brother that afternoon. When Jacob asked him: "Where didst Pedro go? Hast thou met him?" He answered that he would not come any more. Jacob said: "Thou must not tell others because the secret will be discovered." He went to Maria's room where he passed the night and was arrested the next day, which prevented the burial of the body with Jacob's help. Luis who was present at the killing helped him to drag it between two sticks where they left it, putting other sticks on top like a box.

Asked why had he determined to kill his brother? He said for the reason that appears in his declaration and encouraged by Jacob who had said besides: "If he has to die one day, it will be the same to die to-day as to-morrow.

Questioned if Luis had told him where he had gone? He answered that he maintained himself on his master's plantation with the other negroes with whom he was in communication. No one feared Mr. Laveau who managed the place, and that the whereabouts of Luis was known to all the negroes who hide and protect him and that because of this luck he has been able to live during the ten months that he has been away from his Madame.

Asked if he does not know that it is a crime to kill another and much more so when the victim is a brother and that the laws have established punishment for such a crime? He said yes he knew, but he had listened to bad counsel. Other questions were put to him but no further information was obtained.

Governor Galvez then orders Mr. Trepagnier to arrest Mrs. Macarty's Luis and Mr. Cabaret Detrepis' Jacob and put them in the public prison and let the warden there certify that he holds them at the disposition of the Court. Mr. Pierre Trepagnier certifies that he has arrested and put Jacob in prison but has been unable to find Luis. Francisco Munoz, warden, certifies that he holds Jacob.

Cecilio Odoardo, in the presence of the escribano and the interpreter begins to take Jacob's confession. He says he is named Jacob, a creole, of Mobile, aged twenty years. At this point Cecilio Odoardo ordered the proceedings suspended, because Jacob is a minor, to be continued when a curator will have been appointed for him.

Galvez orders Jacob to name a curator with a warning that if he does not, one will be appointed for him officially. When notified Jacob names Leonardo Mazange as his curator. This appointment meets with Galvez's approval. Leonardo Mazange qualifies and Jacob's confession is continued. He says

he is a bachelor and a coachman, the driver of his master's calash, and that he works both in the field and in the house. He was put in prison by Mr. Trepagnier on Governor Galvez's commission, but he really delivered himself up and presented himself at the prison without any compulsion because he is sure of his own innocence. It is said he is an accomplice of Clement, what reasons have they for saying this? He answered that Clement may have told this lie on him, but he did not leave his work nor did he talk to Clement during that entire Monday, that followed Pedro's death. Before, they had talked of the theft that Clement had committed, and that he reprimanded him, and moreover he thinks that Clement having spoken to him on Tuesday so that if the master should question him if he knew that Clement had lent his gun to Francisco, Mr. Quernion (Kernion's) negro he could say yes. He did not wish to hide it before. On the contrary he told his master that the message that Clement had sent was not true because, he, the witness was sure that it was Pedro who had lent his gun to Mr. Kernion's slave and not Clement. This message was sent to complicate this cause.

Reminded how could he say the foregoing when the Monday before, Clement communicated his intention to him and that he encouraged him to execute it, adding that when he did away with Pedro they would be happy with Mr. Cabaret and afterwards in the afternoon of the same Monday, Clement coming back from killing his brother as he had advised him to do he offered to help him bury the body. He said this is not true.

At this point of his confession he was confronted by Clement who was asked to ratify this part of his confession. He said yes this is true, that Jacob had said they would be happy alone with Mr. Cabaret if they did away with Pedro. Jacob said this is false because he had no wish to kill Pedro when he had never punished him before, on the contrary he had learned to make indigo from him. Clement replied that he had punished each one of them like the others when he failed because he was the overseer.

Clement was questioned if anyone had seen them together on that Monday morning? He said yes, Leveille had seen them together when they went to cut wood. Jacob denies this. Clement was questioned if in the afternoon when he says he went to talk to Jacob was anybody present? He said no because he did not trust the others, they had orders to apprehend him, but Jacob was his friend to whom he had communicated his secret. He went to report its success to him and that Jacob told him to go away because they wished to catch him, and that at nightfall Jacob on Clement's recommendation went to look for Maria with whom he wished to speak to know what they were saying in the house. Jacob said that this is false, he did not speak to Maria, nor see Clement until Tuesday morning when he tied him on his master's orders. Clement said that in this Jacob lied that

he was in Maria's cabin and that Leveille with a slave called Medar took him for his master and in his presence who sent him to look for Mr. Maullion's Antonio to put chains on him. This all took place in the same cabin where he had slept that night.

Don Cecilio Odoardo orders these proceedings suspended when Clement said that Jacob had also committed murder, he had killed, with a blow from an axe, Augusto, a white man, a Canadian merchant of the coast. This happened about a year and a half ago, in front of Mr. Georges' plantation, on the other side of the river, because of a debt he owed and did not wish to pay. He threw the body into the water after he had tied it up in a sack filled with earth. This sack belonged to Augusto and also the pirogue that he used to go to the lower river, which was sunk in the river. An investigation should be made and Mr. Auson questioned about the length of time that this man has been missing. He, Clement was present as they were accustomed to do such things together as for instance the stealing of a basket of indigo from Mr. Cheval's plantation that Jacob gave to the free mulatto, Esteban, to sell, but he does not know if he sold it or not. Jacob says all this is false.

Galvez calls Mr. Bernardo Ausson and Esteban to tell what they know of Augusto's death. The former says he knew him very well, and that he had left some merchandise such as sugar and brandy when he, the witness, was in Opelousas, but he does not remember the time. He disappeared but he has never been able to find out what became of him. He made some inquiries at the time and was told he had gone to Cap Francais, by some, others said he had hidden himself at the German Coast. Of all parties he questioned no one was able to give him a satisfactory answer.

Esteban the free mulatto, upon examination says it is true that he received a basket of indigo from Jacob who told him he found it, supposing it belonged to some English merchant, it was given in payment for what Jacob owes him. The only fault that he thinks he has committed is in not having advised his master of the transaction.

Mr. Cabaret's Maria is re-called for examination on the foregoing confessions. She said that on that Monday night, Clement sent the little negro girl to look for her, saying that he wished to speak to her, just as she has already declared. Questioned if Jacob had any ill feeling towards or motive for killing Pedro? She said formerly they were angry with each other, but lately they were on good terms. Asked if she knew why they were angry with one another before? She said it was because Pedro was overseer and punished them when they merited it, and that she is convinced that this is the reason for the murder.

Leveille is recalled and says that on that Monday morning he saw Clement with Jacob, the former went to Mr. Bellile's

to get the silver and the latter to cut wood. In a second declaration he says that it was Jacob in company with his master that bound Clement until shackles were placed upon him.

Antonio upon being questioned says it was he who put the irons on Clement whom he found in Maria's cabin in bed with his hands tied behind his back, he did not notice if he was well or badly tied. It was Mr. Cabaret who had asked his master for the use of his services because he is a blacksmith.

Maria Juana, aged twelve was called and because of her youth was not made to take oath. She was asked for whom she called Marie on the night of Monday, the 27th of October? She said it was for Clement who was in the cabin with Jacob who asked her to call Maria. Questioned if there were any others with them? She said no, they were alone.

Galvez on Odoardo's advice now rules: In order that there may be some one to represent public vengeance (*vindicta publica*, atonement for crime as an example) His Lordship says that he named and did name as prosecuting attorney, Francisco Broutin, who must be notified for his acceptance and oath and done, deliver to him the records of these proceedings so that within three days he may formulate the accusation against these parties. Mr. Cabaret, the owner of the slaves must defend, or abandon them, the notification of which, because of the distance of his domicile, must be entrusted to Captain Don Francisco Bellile, Commander of the Post of the German Coast. Place the first proclamation for the mulatto, Luis in a separate folio as the law requires, this decree, in certified copy, serving the present escribano to begin the folio. Let Mrs. Macarty, Luis' owner, be likewise notified of this decree for the same end.

Francisco Broutin accepts and qualifies as prosecuting attorney and Cabaret Detrepis abandons his two slaves to the justice of the Court. Francisco Muñoz, warden of the prison, certifies that he holds Mrs. Macarty's Luis a prisoner. He was arrested in his flight, according to the information given by Carlos de la Chaise on a verbal commission from His Lordship.

Luis' confession is then taken, he says he is named Luis, born in Illinois, does not know his age, but seems to be about twenty-six, a bachelor and a field laborer for his owner, Mrs. Macarty. He was arrested by Mr. de la Chaise in one of Mr. Alexandro Baure's cabins, where he had gone intending to give himself up. He thinks the reason for his arrest is because Clement wished to complicate him in Pedro's murder. Asked who told him this? He said it was Mr. Laveau, just as soon as he was arrested, but that he had not seen Clement in all the time he was a fugitive which was from the first cutting of the indigo.

Asked how he could make such a statement when he was with Clement Monday after mid-day October the 27th, at the time that Pedro passed in the pirogue with Guiaca going up the

river, when they were by Mr. Bellile's plantation and that he called his attention to the fact that his brother was passing. He answered this is not true that from the time he ran away he had not seen Clement and that he had maintained himself in the woods at the Acadian Coast stealing potatoes and fruit, also a handkerchief and a pair of trousers from the Acadians.

Asked who saw him on Monday the 27th of last month, if he was at the Acadian Coast? He said no one because he was hiding. He was then confronted by Clement who claimed that what he had declared about Luis having been with him at the time of the murder is true. Luis contends that it is false. Luis was questioned who had seen him in the days following Pedro's death? He said no one as he was a fugitive and that he did not know of his death until told by Mr. Laveau and Don Alexandro Baure. Asked if he did not know that it is a crime to counsel, warn or aid anyone to commit one? He said he is not ignorant of this, but he did not do what he is charged with. If he had, he would have delivered himself up. His confession is read to him, he affirms and ratifies it.

Francisca Trepagnier, widow of Juan Bautists de Macarty when notified, says she, herself, will take up the defense of her mulatto, Luis, at any and all times and when it will be necessary.

Francisco Broutin, as prosecuting attorney, accuses civilly and criminally, the three slaves, charged with the crime of killing Pedro and asks the Court to declare them wilful murderers and to condemn them to death on the gallows so that their punishment may serve as a public example. It is evident that Clement did the actual killing, so as to avoid punishment for his wrong doings. It is also apparent that Jacobo was an accomplice, having incited him to commit the murder, urging him not only once but many times. He is accustomed to such crimes and is also guilty of killing Augusto on the German Coast, in front of Mr. George's plantation because he owed a debt he did not wish to pay. After the murder he tied the body up in a sack filled with earth and threw it into the river. Luis is also an accomplice as he was actually present when the murder took place and helped to dispose of the body. This is an atrocious crime and merits the gravest punishment so as to serve as an example to all slaves and free men in the colony. This is ordered sent to Clement who must name a defender within one day with a warning that if he does not do so one will be named for him officially. Clement names Pedro Ignacio Cowley who accepts and qualifies.

Leonardo Mazange is named defender for Jacob and empowered by Mrs. Macarty to defend her slave, Luis, as attorney he asks to have his clients absolved and set free and the other party condemned to pay costs. Nothing has been proven against Jacob and Luis, nor have they confessed to the crime that

Clement accuses them of, nor is his accusation sufficient to condemn them. There is an added charge against Jacob of having killed Augusto because the discovery of a basket of indigo has been verified. Jacob denies any connection with the murder, which is of great moment, but it is a separate crime from the other, and there is no connection between them. Clement has been convicted and has confessed, but he wishes to preserve his own life by implicating others. He is a man without religion, without virtue, without honor, what he may declare is of little account. He asks that the cause against his clients be concluded as he has asked in the beginning, namely, that they be absolved and set free. This is ordered sent to the other party.

Pedro Cowley, Clement's attorney, answers saying it is true that the crime has been proven and that his client has confessed, but he prays the Court to show to him all that is favorable and merciful considering his ignorance and the sincerity with which he committed the crime when encouraged by the others who actuated the murder and are his accomplices. This is ordered sent to the other interested parties.

December 19, 1777, Galvez on Odoardo's advice orders the case to go on trial within nine common days during this time, the witnesses who testified in the summary investigation must ratify their depositions they must prove, allege and justify what may be suitable. Let the witnesses be cited, in due form, which one presents against the other to take oath, and be examined.

January 24, 1778, Francisco Broutin asks for a publication of the proofs and a few days later, Leonardo Mazange and Pedro Cowley make the same request. Galvez on Odoardo's advice orders a publication of the proofs.

This order is followed by the ratification of the testimony, given in the summary investigation, by the witnesses there appearing, namely Luis Augustin Meullion, Pedro Maria Cabaret Detrepis, Luis Francisco Xavier Hazure Delorme, Madame de Macarty, Pierrot, Lizetta, Jaca (Guiaca) Margarita, Bartolomo, Juaneton, Juan Baptiste, Maria, Luis, Leveille, Pierre Trepagnier and the free mulatto, Esteban.

The first proofs to be presented are those of Francisco Broutin, prosecuting attorney of this cause against the negroes, Clement, Jacob and Luis. He asks to include with his proofs his written petitions on pages 49 and 56 together with all that is most favorable in the summary investigation. Petition granted. He then asks that Dominico Castel, Augustin Moreno and Pedro, porter at the Cabildo, under oath answer the following questions:

1st. Q. If they knew Augusto and in what way and on what occasion, and if they know what has become of him?

A. Dominico Castel. He knew Augusto very well, having seen him at Bernardo Orson's when he arrived with

some merchandise that he brought in a trip down from Illinois and after he arrived he went to the witness' house one day.

A. Augustin Moreno. He knew Augusto who had communications with Bernardo Ansono and for this reason the witness trusted him to sell a barrel of wine and three bottles of anisette, this was about five years ago. From that time he has not gone back to see him, nor does he know where he is. He, the witness, was overtaken by a very serious illness so that he has forgotten the matter entirely.

A. Pierre Pizani. He knew Augusto de Filstan very well because he had eaten with him at Mr. Auson's house and had made a note for him in favor of Paturel. This was in the year seventy three. After this time he did not go back to see him although he had heard it said that he had been to Auson's house to adjust his accounts he also heard a report that Augusto then had 200 barrels of corn up above. He does not know what has become of him although he knows very well that when he said good bye to the witness he said he was going up the river. He does not know anything else.

2nd. Q. How was he employed with any other information that they may have upon his trade?

A. Dominico Castel. He made trips up above.

A. Augustin Moreno. At the time he knew him he owned two boats.

A. Pierre Pizani. He made voyages on the river, or hired himself out to others to row for them, but he does not know if he had any other employment.

3rd. Q. How long is it since they have seen him?

A. Dominico Castel. As he remembers it seems about two years, more or less. He does not know anything else about him, nor what has become of him.

A. Augustin Moreno. He refers to what he has already declared.

A. Pierre Pizani. He refers to what he has already declared and says he does not know anything else.

The proofs of Leonardo Mazange, as attorney for Jacobo and Luis. He asks to reproduce the summary investigation and the confessions and the decrees up to page 48 together with his petitions on pages 52 and 58 and all else favorable to this cause. Petition granted.

Francisco Broutin, as prosecuting attorney asks to have Jacob put to torture so as to discover whether or not he was

implicated in the murder of Augusto and an accomplice in the crime treated of in these proceedings. This is ordered sent to the other party. Leonardo Mazange answers, protesting as he says torture has no place in this circumstance as no crime has been proven against Jacob and in a case of this kind the law does not permit of such a dangerous means to learn the truth of an act. It has been found that criminals under torture do not confess their crimes and that the innocent often confess to what they have not done. The law does not permit torture because of the absence of a man, who is said to have been killed, the proof of whose murder has not been proven in these proceedings. In consideration of this he asks to exclude the promotor fiscal's unfounded claim. Galvez rules, on Odoardo's advice, considering the request brought by the Promotor Fiscal and the objections made to it by Jacob's curator, he condemned and did condemn Jacob to suffer torture, reserving to himself the right to determine the kind and manner of it.

Torture proceedings are recorded as follows: On February 11, 1778, at ten o'clock in the morning, Governor Bernardo de Galvez went to the Royal Prison and ordered Jacob to appear before him in the presence of the escribano, the Assessor General and the interpreter. He was told to speak the truth concerning Pedro's and Augusto's deaths. His Lordship told him that in case he refused to speak the truth, the sentence of torture would be carried out against him. He answered that he had not committed the crime of which he has been accused and then having reiterated his denial, the application of torture was ordered. He was placed upon a gun carriage at a distance from the fire, because there was no other machine for roasting (*maquina de las ozadas "asadas"?*) in the prison and having applied it in a manner that he felt the heat, he cried out denying the act and that he had no knowledge of Augusto and that what had been attributed to him by Clement is false. With this statement after reflection, His Lordship ordered the torture discontinued to be resumed some other day. All four officials present signed.

The second torture proceedings took place on February 12, at ten o'clock in the morning. He was put to the same torture as before and continued to deny his guilt of either crimes of which he had been accused. The proceedings were ordered suspended until the next morning. The third application was like the first two. Jacob maintained his innocence of both crimes and no matter how much they made him suffer he would not declare anything. After three attempts to wring a confession of guilt from Jacob, the criminals were cited to hear the final sentence.

Whereas: Judgment attentive to the merits of the process as resulting, the negro, Clement, convicted and confessed to the crime of paricide, I must condemn and do condemn him to the penalty of death and the justice that I order done is that he

be taken from the prison, mounted on a beast of burden with a halter around his neck, bound feet and hands, with the voice of the town crier who will make known his crime, he will be thus carried through the public and accustomed streets to the gallows where he will be whipped and afterwards hanged on it until he is actually dead. This carried into execution his body will be put into a leather sack with a dog, a viper, a monkey and a cock, the mouth of the sack sewed up, will be pitched into the river. I must absolve and do absolve, therefore, of the crime of homicide, the negro. Jacob and the mulatto Luis, but I find Jacob convicted of robbery and Luis of running away and committing petty thefts, I must condemn and do condemn them to two hundred lashes at the foot of the gallows and in order, to clear them from the imputation of the guilt of the crime of homicide that has been brought against Jacob, after the sentence pronounced against him has been executed he will be delivered to his master who will keep him in chains for three years, with the charge to watch particularly over his conduct. All costs to be paid jointly in common the taxation of which is entrusted to Don Andres de Armesto, who must first accept and take oath. I order that the Reverend Father Vicar be notified of this sentence so as to provide the criminal with the spiritual help that belongs to his office. For thus I pronounced it and ordered it, definitively judging on the advice of the gentleman who is my assessor to which I attest. (Signed) Bernardo de Galvez. Cecilio Odoardo. Before Juan B. Garic.

Garic certifies that he read the sentence of execution to Clement in the public prison. The next entry, also by Garic is to the effect that in his presence and that of the sheriffs, Pedro Pisania and Gosson, Clement was conducted to the prison chapel to receive spiritual consolation from the Reverend Father. He was placed in irons so as to carry into execution the foregoing sentence.

The escribano then reads the definitive sentence to Jacob, then to Luis and lastly to Francisco Munoz, warden of the prison.

The sentence is carried into execution: At about half past ten in the morning, Francisco Muñoz, warden of the prison, having made the transfer, officially, of the persons, Clement and Jacob, negro criminals belonging to Pedro Cabaret Detrepis to the said Pisania and Gosson, ordinary sheriffs of the Royal Court so as to fulfill the order contained in the foregoing sentence, they were taken from the Royal Prison with the assistance of the sheriff major and the above named ministers of justice and of me the present escribano and with the help of two parties of soldiers of the fixed regiment of this place, with the town crier in front, who went proclaiming in a loud distinct voice the public call of the following tenor: This is the justice that the King, Our Lord, has ordered done and in His Royal Name, His Lordship, the Governor General of this Province, Don Bernardo

de Galvez, to these criminals. To Clement for having murdered his brother, to Jacob for having robbed. Clement has been condemned to the ordinary penalty of death on the gallows, after having been lashed at the foot of the gallows, after death his body put in a leather sack with a dog, a monkey, a viper, and a cock and the sack sewed up at the mouth will be dragged along and pitched into the river. Jacob will receive two hundred lashes at the foot of the gallows and returned afterwards so as to be delivered to his master so that he may be put in chains for three years, and to have his conduct particularly watched. He who does such, must pay such.

They were conducted through the public and accustomed streets of the city until they arrived at the Plaza (Square) where they found the gallows. It was then about eleven o'clock. Clement was whipped at the foot of it and afterwards hanged on it by the neck by Miguel, the negro executioner of the sentence until he seemed to be dead and did not give any signs of life. Jacob was bound at the foot of the gallows where he received two hundred lashes which were given to him by the executioner. All this done, Clement's body was removed from the gallows and put in the leather sack in conformity to the sentence and dragged to the river and pitched in. Jacob was returned to the prison.

In testimony whereof I set this down as a matter of record, giving attestation to all of it. (Signed) Juan B. Garic, Notary Public.

Costs taxed February 26, 1778, by Manuel Andres Armesto at 186 pesos, 1 real.

(To be Continued)



The history of the American Medical Association is a story of growth and development. It began in 1847 with the formation of the American Medical Association in Philadelphia. The organization was created to promote the interests of the medical profession and to advance the science of medicine. Over the years, the association has grown in size and influence, and it has played a significant role in the development of the medical profession in the United States. The association has been instrumental in the establishment of medical schools, the regulation of the medical profession, and the advancement of medical research. It has also been a leading voice in the defense of the medical profession against external pressures and in the promotion of the public health. The association's efforts have been recognized by the government and the public, and it has been a major force in the development of the medical profession in the United States.

(To be Continued)

